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Washington, Tuesday, February 13, 1945

The President

PROCLAMATION 2639

EMERGENCY BOARD, CENTRAL OF GEORGIA RAILWAY COMPANY—EMPLOYEES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, the President, having been duly notified by the National Mediation Board that a dispute between the Central of Georgia Railway Company, a carrier and certain of its employees represented by the following labor organization:

Brotherhood of Railroad Trainmen

which dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, amended, now threatens substantially to interrupt interstate commerce within the States of Alabama, Georgia and Tennessee to a degree such as to deprive that section of the country of essential transportation service;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the power vested in me by the Constitution and laws of the United States, and by virtue and under the authority in me vested by Section 10 of the Railway Labor Act, amended, do hereby create a board to be composed of three persons not pecuniarily or otherwise interested in any organization of railway employees or any carrier, to investigate the aforementioned dispute and report the findings to me within thirty days from this date.

The members of this board shall be compensated for and on account of such duties in the sum of seventy-five dollars ($75.00) for every day actually employed with or upon account of travels and duties incident to such board. The members will be reimbursed for and they are hereby authorized to make expenditure for expenses for themselves and of the board, including necessary transportation expenses, and in conformity with Public No. 373—78th Congress, approved June 28, 1944, not to exceed six dollars ($6.00) per diem in lieu of subsistence while so employed.

All expenditures of the Board shall be allowed and paid for out of the appropriation "Arbitration and Emergency Boards, National Mediation Board, 1945" on the presentation of itemized vouchers properly approved by the chairman of the board hereby created.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this eighth day of February in the year of our Lord one thousand nine [SEAL] hundred and forty-five, and of the Independence of the United States of America the one hundred and sixty-ninth.

FRANKLIN D ROOSEVELT

By the President:

JOSEPH C. GREW,
Acting Secretary of State.

[F. R. Doc. 45-2406; Filed, Feb. 10, 1945; 12:05 p. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter IV—War Food Administration (Crop Insurance)

PART 415—1945 FLAX CROP INSURANCE REGULATIONS

The Federal Crop Insurance Program is part of the general program of the United States Department of Agriculture and the War Food Administration administered for the benefit of agriculture.

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act, as amended, these regulations are hereby published and prescribed to be in force and effect, with respect to the 1945 flax crop insurance program, until amended or superseded by regulations hereafter made.

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NOTICE

Book 1 of the 1943 Supplement to the Code of Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per copy. This book contains the material in Titles 1–31, including Presidential documents, issued during the period from June 2, 1943, through December 31, 1943.

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AUTHORITY: §§ 415.1 to 415.44, inclusive, issued under secs. 506 (e), 507 (c), 508, 509, 516 (b); 52 Stat. 73, 74, 75, 77; 7 U.S.C. 1506 (e), 1507 (c), 1508, 1509, 1516 (b), as amended by 52 Stat. 835, 55 Stat. 255, and Pub. Law 551, 78th Cong., approved Dec. 23, 1944; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783.

MANNER OF OBTAINING INSURANCE

§ 415.1 *Availability of flax crop insurance.* (a) Flax crop insurance will be offered on the flax crop planted for harvest in 1945 in accordance with the regulations in this part. Flax crop insurance against loss in yields will be offered only in States or counties where the Corporation determines that sufficient data are available to enable the Corporation to establish flax yields and premium rates. The coverage per acre of flax crop insurance will be 50 or 75 percent of the average yield of flax for the farm.

(b) Insurance will not be provided in any county unless written applications for insurance on crops authorized to be insured are filed covering at least fifty farms, or one-third of the farms normally producing these crops, except that insurance may be provided for producers on farms situated in a local producing area bordering on a county with a crop insurance program.

§ 415.2 *Application for insurance.* Application for insurance, on a form prescribed by the Corporation, may be made by any person to cover his interest as landlord, owner, tenant, or sharecropper, in a flax crop. An application shall cover the applicant's interest in the flax crop on all insurance units located, or considered for crop insurance purposes as located, in the county or, where applicable, on all insurance units in the local producing area in which the applicant has an interest at the time of the seeding of the flax crop to be harvested in 1945. Applications shall be submitted to the office of the county association on or before the applicable closing date established by the Corporation for the county in which the insurance unit(s) is located.

§ 415.3 *Acceptance of applications by the Corporation.* (a) Upon acceptance of an application by a duly authorized representative of the Corporation the insurance contract shall be in effect: *Provided,* Such application is submitted in accordance with the provisions of the application and of these regulations, including any amendments thereto. The applicant's copy of the accepted application shall be mailed to him.

(b) The Corporation reserves the right to reject any application for insurance with respect to any one or more of the insurance units covered by the application, or to limit the insurance on the applicant's interest in any insurance unit covered by the application to 50 percent of the average yield for such unit.

(c) Insurance contracts covering farms situated in a local producing area shall be handled in the office of the county association of an adjoining county with a crop insurance program.

INSURANCE COVERAGE

§ 415.4 *Insurance period.* Insurance with respect to any insurance unit shall attach at the time the flax is seeded, except that insurance shall not attach with respect to any acreage put to another use before it is too late to reseed to flax, as determined by the corporation. Insurance shall cease with respect to any portion of the flax crop covered by the insurance contract upon threshing (unless combined and field-sacked and remaining in the field, in which event the insurance shall not cease until 120 hours thereafter) or removal from the insurance unit, but in no event shall the insurance remain in effect later than October 31, 1945, unless such time is extended in writing by the corporation.

§ 415.5 *Insured production.* The insured production for each insurance unit under the contract shall be the number of bushels of flax determined by multiplying the insured acreage by the average yield per acre, by the insured percentage (50 or 75 percent), and by the insured interest in the crop at the time of seeding. If more than one average yield has been established for the insurance unit, the insured production shall be computed separately, using the applicable acreage for each yield, and the total of such computed amounts shall be the insured production for the insurance unit.

§ 415.6 *Causes of loss insured against.* The insurance contract shall cover loss in yield of flax due to unavoidable causes including drought, flood, hail, wind, frost, winter-kill, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation, plant disease, and such other unavoidable causes as may be determined by the Board of Directors of the corporation.

§ 415.7 *Causes of loss not insured against.* The contract shall not cover damage to quality in any case, or loss in yield caused by the neglect or malfeasance of the insured or of any person in his household or employment or connected with the farm as tenant, sharecropper, or wage hand, nor shall it cover losses caused by theft, domestic animals (including poultry), use of defective or unadapted seed, overseeding or seeding on land of poorer average quality for the production of flax than the average quality of the land considered in establishing the average yield for the insurance unit, failure properly to prepare the land for seeding, or properly to seed, care for, or harvest and thresh the insured crop, including any loss due to breakdown of machinery or equipment, failure to follow established good farming practices, or by

following different fertilizer or farming practices than those considered in establishing the average yield, or by failure to reseed the flax in areas and under circumstances where the Corporation determines it is customary to reseed. In addition, where insurance is written on an irrigated basis, the contract shall not cover losses caused by failure properly to apply irrigation water to flax in proportion to the amount of water available for all irrigated crops, failure of irrigation equipment due to mechanical defects, failure to provide adequate casing or properly to adjust the pumping equipment in the event of a lowering of the water level in pump wells, or any other such loss not due entirely to unavoidable causes. Likewise, the contract shall not cover loss in yield caused by inability to obtain labor, fertilizer, machinery, repairs, or insect poisons, as a result of war or other conditions.

PREMIUM FOR INSURANCE CONTRACT

§ 415.8 *Amount of premium.* The premium for each insurance unit under the contract shall be the number of bushels of flax determined by multiplying the insured acreage of flax for the insurance unit by the premium rate per acre and by the insured interest in the crop at the time of seeding. If more than one premium rate has been established for the insurance unit, a premium shall be computed separately using the applicable acreage for each rate, and the total of the amounts so computed shall be the premium for the insurance unit. The premium for the insurance contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract. The premium with respect to each insurance unit shall be regarded as earned when the flax crop on the insurance unit is seeded, except that no premium shall be regarded as earned on any acreage put to another use before it is too late to reseed to flax, as determined by the Corporation. The minimum premium payable by the insured with respect to any insurance contract shall be two bushels of flax.

§ 415.9 *Manner of payment of premium.* (a) Each applicant for insurance shall sign a note in the form and manner prescribed by the Corporation. Such note shall represent a promise to pay the Corporation the total premium for all insurance units covered by the insurance contract and shall be payable on or before the maturity date specified in § 415.44. Such note or unpaid portion thereof shall bear interest after maturity at the rate of one-half of one percent for each calendar month or fraction thereof, except that no interest shall be charged on any amount paid within two calendar months after maturity.

(b) Payment on any such note may be made in whole or in part before maturity either in flax or cash, or both. After maturity, payment may be made only in cash. In connection with any payment before maturity, there shall be credited on the note the number of whole bushels of flax computed by dividing the payment made (the proceeds of the sale of flax if flax is paid) by the cash equivalent price per bushel for the date of payment. The amount of any such note due at maturity shall be the cash equivalent thereof based on the cash equivalent price per bushel applicable for such maturity date.

(c) Any unpaid amount of any such note (either before or after the date of maturity) may be deducted from any indemnity payable under the contract, from the proceeds of any commodity loan to the insured, and from any payments made to the insured under the Soil Conservation and Domestic Allotment Act, as amended, or any other act of Congress or program administered by the United States Department of Agriculture or the War Food Administration. Where any such deduction is made before the date of maturity, the cash equivalent of the deduction will be based on the cash equivalent price used in computing the indemnity payment or the cash equivalent price determined by the Corporation to be in effect on the day the county committee approves such loan or other payment, whichever is applicable. Such price shall also be used in determining the number of bushels of flax to be credited on the note.

(d) Payments in cash shall be made by means of cash or by check, money order, or bank draft payable to the order of the Treasurer of the United States. All checks and drafts will be accepted subject to collection, and payments tendered shall not be regarded as paid unless collection is made. When a payment is made in flax, it shall be by means of an instrument acceptable to the Corporation representing salable flax.

LOSS

§ 415.10 *Notice of loss or damage of flax crop.* Unless otherwise provided by the Corporation, if a loss is probable, notice in writing shall be given the Corporation at the office of the county association immediately after any material damage to the insured crop and before the crop is harvested, removed, or any other use is made of it. Any such notice shall be given in time to allow the Corporation to make appropriate inspection.

§ 415.11 *Released acreage.* Any insured acreage on which the flax crop has been destroyed or substantially destroyed may be put to another use, only with the consent of the Corporation, subject to an appraisal by the Corporation of the yield that would be realized if such portion of the crop remained for harvest. No acreage seeded to flax shall be considered as put to another use as long as any flax on such acreage is remaining for harvest, except on an acreage released by the Corporation and seeded to a substitute crop. On any acreage where the flax has been partially destroyed but not released by the Corporation, proper measures shall be taken to protect the crop from further damage. There shall be no abandonment of any crop or portion thereof to the Corporation.

§ 415.12 *Time of loss.* Loss, if any, shall be deemed to have occurred at the completion of threshing of such crop (unless combined and field-sacked and remaining in the field, in which event the loss shall be deemed to have occurred 120 hours thereafter) or October 31, 1945 (unless such time is extended by the Corporation), whichever occurs first, unless the Corporation determines that the flax crop was destroyed or substantially destroyed earlier, in which event the loss shall be deemed to have occurred on the date so determined by the Corporation. The flax crop shall be deemed to have been substantially destroyed if the Corporation determines that it has been so badly damaged that farmers generally in the area, where the farm is located and on whose farms similar damage occurred, would not further care for the crop or harvest any portion thereof.

§ 415.13 *Proof of loss.* If a loss is claimed, the insured shall submit to the Corporation, on a form and in the manner prescribed by the Corporation, a statement in proof of loss containing such information regarding the manner and extent of the loss as may be required by the Corporation. The statement in proof of loss shall be submitted not later than 60 days after the time of loss, unless the time is extended in writing by the Corporation. It shall be a condition precedent to any liability under the insurance contract that the insured establish that any loss for which claim is made has been directly caused by one or more of the hazards insured against by the insurance contract during the term of the contract, and that the insured further establish that the loss has not arisen from or been caused by, either directly or indirectly, any of the hazards not insured against by the insurance contract.

§ 415.14 *Amount of loss.* (a) The amount of loss for which indemnity will be payable with respect to any insurance unit will be the amount of the insured production under the contract for such insurance unit, less the product of the insured interest and the total production for such unit: *Provided, however,* That if the seeded acreage on the insurance unit exceeds the insured acreage on such unit, as determined by the Corporation, the loss for which indemnity will be payable shall be computed by prorating the production on the seeded acreage to determine the production applicable to the insured acreage. Such total production shall include:

(1) Flax produced from any acreage of the flax crop which was threshed (not including any flax produced from any acreage released as provided in subparagraph (2) below);

(2) The appraised production from any acreage of the flax crop which is seeded to a substitute crop after a release by the Corporation, which appraised production shall not be less than 50 percent of the product of (i) such acreage, (ii) the average yield, and (iii) the insured percentage;

(3) The appraised production on any acreage of flax that is not harvested (except the acreage covered in subparagraph (2) above), which appraised production shall not be less than 20 percent of the product of (i) such acreage, (ii) the average yield, and (iii) the insured percentage;

(4) The appraised production for any portion of the insured flax acreage that is put to another use without the con-

sent of the Corporation, which appraised production shall not be less than the product of (i) such acreage, (ii) the average yield, and (iii) the insured percentage;

(5) The appraised number of bushels by which production on any acreage has been reduced solely because of any cause not insured against, which number of bushels shall not be less than the product of (i) such acreage, (ii) the average yield, and (iii) the insured percentage, minus any quantity of flax harvested from such acreage; and

(6) The appraised number of bushels by which production on any acreage has been reduced because of any cause not insured against, where damage on such acreage has resulted from a cause insured against and a cause not insured against.

(b) Where the insured fails to establish and maintain separate records of acreage or production for the component parts of a combination of two or more insurance units or portions thereof, the insurance contract may be voided by the Corporation and the premium forfeited by the insured: *Provided, however,* That if all the component parts of the combination are insured the total of the insured production for the component parts shall be considered as the insured production for the combination, and any loss for such combination shall be determined as outlined in paragraph (a) of this section.

PAYMENT OF INDEMNITY

§ 415.15 *When indemnity payable.* The amount of loss for which the Corporation may be liable with respect to any insurance unit covered by the insurance contract shall be payable within 30 days after satisfactory proof of loss is approved by the Corporation. However, if payment of any indemnity is delayed for any reason beyond the time specified, the Corporation shall not be liable for interest or damages on account of such delay.

§ 415.16 *Indemnity payment.* (a) Any indemnity due under the insurance contract will be paid by the issuance of a certificate of indemnity which shall bear an expiration date. Settlement under such certificate will be made in cash or flax in accordance with the regulations in this part. Such certificate may also be used to obtain a loan from the Commodity Credit Corporation, if loans on certificates of indemnity are available, in accordance with instructions issued by the Commodity Credit Corporation.

(b) In case of a cash settlement under a certificate of indemnity, the cash equivalent of the indemnity shall be the number of bushels of flax specified in the certificate of indemnity multiplied by the cash equivalent price per bushel for the day the insured's request is received or the expiration date of the certificate, whichever occurs first. A cash settlement under a certificate of indemnity made more than 14 days after the issuance of the certificate shall be subject to a deduction for a reasonable charge for storage and handling and the schedule of such charges shall be shown on the certificate of indemnity.

(c) Any indemnity payable under an insurance contract shall be paid to, and settlement under the certificate of indemnity made with, the insured or such other person as may be entitled to the benefits of the insurance contract under the provisions of the regulations in this part, notwithstanding any attachment, garnishment, receivership, trustee process, judgment, levy, equity or bankruptcy directed against the insured or such other person, or against any indemnity alleged to be due to such person; nor shall the Corporation or any officer, employee, or representative thereof be a proper party to any suit or action with reference to such indemnity or the proceeds thereof nor be bound by any judgment, order, or decree rendered or entered therein. No officer, agent, or employee of the Corporation shall, because of any such process, order, or decree, pay or cause to be paid, to any person other than the insured or other person entitled to the benefits of the insurance contract, any indemnity payable, or any amount due in settlement of any certificate of indemnity in accordance with the provisions of the insurance contract. Nothing herein contained shall excuse any person entitled to the benefits of the insurance contract from full compliance with, or performance of, any lawful judgment, order, or decree with respect to the disposition of any sums paid thereunder as an indemnity.

(d) The Corporation shall provide for the posting annually in each county at the county courthouse of a list of indemnities paid for losses on farms in such county.

§ 415.17 *Adjustment in connection with indemnity payments.* Where an adjustment is made in the amount of an indemnity, settlement for such adjustment may be made on the basis of a cash equivalent price per bushel other than that used in making settlement under the certificate of indemnity originally issued.

§ 415.18 *Other insurance.* If the insured has or acquires any other insurance against substantially all the risks that are insured against by the Corporation under the insurance contract on the crop or portion thereof covered in whole or in part by such insurance contract, regardless of whether such other insurance is valid or collectible, the liability of the Corporation shall not be greater than its share would be if the amount of its obligations were divided equally between the Corporation and such other insurer. In any case where an indemnity is paid to the insured by another Government agency because of damage to the flax crop, the Corporation reserves the right to determine its liability under the insurance contract taking into consideration the amount paid by such other agency.

§ 415.19 *Subrogation.* The Corporation may require from the insured an assignment of all rights of recovery against any person(s) for loss or damage to the extent that payment therefor is made by the Corporation, and the insured shall execute all papers required and shall do everything that may be necessary to secure such rights.

§ 415.20 *Creditors.* An interest existing by virtue of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or any other process shall not be considered an interest in an insured crop within the meaning of the regulations in this part.

PAYMENT OF INDEMNITY TO PERSONS OTHER THAN THE ORIGINAL INSURED

§ 415.21 *Indemnities subject to all provisions of insurance contract.* Indemnities payable to any person shall be subject to all provisions of the insurance contract, including the right of the Corporation to deduct from any such indemnity the unpaid amount of the note of the original insured for the payment of the earned premium or any other obligation of the insured to the Corporation: *Provided, however,* That in case of a transfer of an interest in an insured crop, such deduction to be made from an indemnity payable to the transferee shall not exceed the premium due on the insurance unit or units involved in the transfer, plus the unpaid amount of any other obligation of the transferee to the Corporation. Any indemnity payable to any person other than the original insured as a result of a transfer, or otherwise, shall be subject to any collateral assignment of the insurance contract by the original insured.

§ 415.22 *Collateral assignment of right under insurance contract.* The right to an indemnity under an insurance contract may be assigned by the original insured as collateral security for a loan or other obligation of such insured. Such assignment shall be made by the execution of a form prescribed by the Corporation and, upon approval thereof by the Corporation, the interests of the assignee will be recognized if an indemnity is payable under the insurance contract, to the extent of the amount determined to be the unpaid balance of the amount (including interest and other charges) for which such assignment was made as collateral security: *Provided, however,* That (a) payment of any indemnity will be subject to all conditions and provisions of the insurance contract and to any deductions authorized under § 415.21, and (b) payment of the indemnity may be made by check payable jointly to all persons entitled thereto and such payment shall constitute a complete discharge of the Corporation's obligation with respect to any loss under the insurance contract. The Corporation's approval of an assignment shall not create in the assignee any right other than that derived from the assignor. The Corporation shall in no case be bound to accept notice of any assignment of the insurance contract, and nothing contained in any assignment shall give any right against the Corporation to any person other than the insured, except to an assignee approved by the Corporation. Only one such assignment will be recognized in connection with the insurance contract, but if an assignment is released, a new assignment of the right to an indemnity under the insurance contract may be made.

§ 415.23 *Payment to transferee.* In the event of a transfer of all or a part

of the insured interest in a flax crop before the beginning of harvest or the time of loss, whichever occurs first, the transferor shall immediately notify the Corporation thereof in writing at the office of the county association. The transferee under such a transfer shall be entitled to the benefits of the insurance contract with respect to the interest so transferred, subject to any assignment made by the original insured in accordance with § 415.22: *Provided, however,* That an involuntary transfer of an insured interest in a flax crop solely because of the existence of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or other process shall not entitle any holder to any such interest to any benefits under the insurance contract: *Provided, further,* That the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than would have been paid if the transfer had not taken place. If, as a result of any such transfer, diverse interests appear with respect to any insurance unit, the indemnity, if any, payable with respect to such unit may be paid jointly to all persons having the insured interest in the crop at the time harvest is commenced or the time of loss, whichever occurs first, or to one of such persons on behalf of all such persons, and payment in any such manner shall constitute a complete discharge of the Corporation's liability with respect to such unit under the insurance contract.

§ 415.24 *Death, incompetence, or disappearance of insured.* (a) If the insured dies, is judicially declared incompetent, or disappears, before the time of loss, and his insured interest in a flax crop is a part of his estate at such time, or if the insured dies, is judicially declared incompetent, or disappears, subsequent to such time, the indemnity, if any, shall be paid to the legal representative of his estate, if one is appointed or is duly qualified. If no such representative is or will be so qualified, the indemnity shall be paid to the persons beneficially entitled to share in the insured's interest in the crop or to any one or more of such persons on behalf of all such persons: *Provided, however,* That, if the indemnity represents a number of bushels of flax, the cash equivalent of which exceeds $500, the Corporation may withhold the payment of the indemnity until a legal representative of the insured's estate is duly qualified to receive such payment.

(b) If the insured dies, is judicially declared incompetent, or disappears before the time of loss, and his interest in the crop is not a part of his estate at such time, the indemnity, if any, shall be paid to the person(s) who succeeded to his interest in the crop in the manner provided for in § 415.23.

(c) If an applicant for insurance dies or is judicially declared incompetent before any flax crop intended to be covered by insurance is seeded, whoever succeeds him on the farm with the right to seed the flax crop as his heir or heirs, administrator, executor, guardian, committee, or conservator shall be substituted for the original applicant upon filing with the office of the county association, within 15 days (unless such period is extended by the Corporation) after the date of such death or judicial declaration, or before the date of the beginning of seeding, whichever is the earlier, a statement in writing, in the form and manner prescribed by the Corporation, requesting such substitution and agreeing to assume the obligations of the original applicant arising out of such application. If no such statement is filed, as required by this paragraph, the original application shall be void and no insurance shall be in effect with respect to the flax crop covered thereby.

(d) The insured shall be deemed to have disappeared within the meaning of the regulations in this part if he fails to file with the county committee written notice of his new mailing address within 180 calendar days after any communication by or on behalf of the Corporation is returned undeliverable at the address given in the statement in proof of loss or after such loss has been established otherwise, whichever is earlier.

§ 415.25 *Fiduciaries.* Any indemnity payable under an insurance contract, entered into in the name of a fiduciary who is no longer acting in such capacity at the time for the payment of indemnity and settlement under the certificate of indemnity, will be made to the succeeding fiduciary upon appropriate application and proof satisfactory to the Corporation of his incumbency. If there is no succeeding fiduciary, payment of the indemnity shall be made to, and settlement under the certificate of indemnity shall be made with, the persons beneficially entitled under the regulations in this part to the insured interest in the crop, to the extent of their respective interests, upon proper application and proof of the facts: *Provided, however,* That the settlement may be made with any one or more of the persons so entitled, and payment may be made to such person or persons in behalf of all the persons so entitled, whether or not the person to whom payment is made has been authorized by the other interested persons to receive such payment.

§ 415.26 *Determination of person to whom indemnity shall be paid.* In any case where the insured has transferred his interest in all or a portion of the flax crop on any insurance unit, or has ceased to act as a fiduciary, or has died, has been judicially declared incompetent or has disappeared, payment in accordance with the provisions of the regulations in this part will be made only after the facts have been established to the satisfaction of the Corporation. The determination of the Corporation as to the existence or nonexistence of a circumstance in the event of which payment may be made and of the person(s) to whom such payment will be made shall be final and conclusive. Payment of any indemnity under this section shall constitute a complete discharge of the Corporation's obligation with respect to the loss for which such indemnity is paid and settled and shall be a bar to recovery by any other person.

REFUNDS OF EXCESS NOTE PAYMENTS

§ 415.27 *Refunds of excess note payments*—(a) *Before maturity of note.* The Corporation shall not be required to make a refund of any excess payment made on a note until the acreage planted to flax on all insurance units covered by the insurance contract has been determined. The cash equivalent of any refund shall be determined on the basis of the number of bushels of flax to be refunded and the cash equivalent price for the appropriate grade of such flax effective for the date such payment was submitted to the Corporation. If more than one payment is made on the note for the crop insurance premium, the payments shall be applied in the order of submittal to the Corporation. In computing the amount of any refund, the payments shall be considered in their inverse order and each such payment or portion thereof shall be regarded as a separate payment in determining the cash equivalent of the refund.

(b) *After maturity of note.* Payments received after the maturity of the note for the payment of the crop insurance premium shall be refunded in the actual amount of money paid to the Corporation in excess of that determined to be necessary to pay such note.

There shall be no refund of an amount less than $1.00, with respect to payments made either before or after the maturity of the note, unless written request for such refund is received by the Corporation within one year after the date of the maturity of the note.

§ 415.28 *Assignment or transfer of claims for refunds not permitted.* No claim for a refund, or any part or share thereof, or any interest therein, shall be assignable or transferable, notwithstanding any assignment of the insurance contract as security or any transfer of interest in any flax crop covered by the insurance contract. Refund of any excess note payment will be made only to the person who made such payment except as provided in § 415.29.

§ 415.29 *Refund in case of death, incompetence, or disappearance.* In any case where a person who is entitled to a refund of a payment has died, has been judicially declared incompetent, or has disappeared, the provisions of § 415.24 with reference to the payment of indemnities in any such case shall be applicable with respect to the making of any such refund.

ESTABLISHMENT OF AVERAGE YIELDS AND PREMIUM RATES

§ 415.30 *Determination of farm average yields of flax per acre.* The Corporation shall establish average yields of flax for farms on the basis of the recorded or appraised yields for a representative period of years and shall, where necessary, adjust such yields so that the average yields for farms in the same area which are subject to the same conditions shall be fair and just. A record of the average yields so established for all farms in the county shall be maintained in the office of the county association and such record shall be open to inspection by any producer whose farm is listed thereon.

§ 415.31 *Determination of premium rates.* The Corporation shall establish premium rates for all farms for which average yields are established and such rates shall be those deemed adequate to cover claims for flax crop losses and to provide a reasonable reserve against unforeseen losses. A record of the premium rates so established for all farms in the county shall be maintained in the office of the county association and such record shall be open to inspection by any producer whose farm is listed thereon.

§ 415.32 *Average yields and premium rates where farm varies widely in productivity or farming hazards or where tracts of the farm are widely separated.* If the land comprising any farm consists of tracts varying widely in productivity, topography, or farming hazards, or if tracts of the farm are widely separated, separate average yields and premium rates may be established by the Corporation for such tracts on the basis of appraisal, taking into consideration the yield data available.

§ 415.33 *Average yields and premium rates for fractional parts of a farm and for farms which are combined or divided after the listing sheets are prepared.* (a) The average yield and premium rate for a fractional part of a farm which is to be insured as a separate insurance unit shall be the same as the average yield and premium rate for the entire acreage considered in establishing such average yield and premium rate, except as provided in § 415.32.

(b) Where due to combinations of insurance units after yields and rates applicable to the component parts of the combination have been approved by the Corporation, and determination of the acreage seeded to flax on such component parts is not feasible or practical, average yields and premium rates for the acreage comprising such combinations may be established by the Corporation, provided the combination was effected before the seeding of any flax on the combination. Such determinations shall be based upon the average yield and premium rate for farms similar in acreage, farming practices, topography, and farming hazards, taking into consideration the average yield(s) and premium rate(s) for the original farm(s).

§ 415.34 *Average yields and premium premium rates for special farming practices.* In areas where farming practices are followed which are determined by the Corporation to be special practices, yields and premium rates may be established for each special practice for the county or administrative area and for individual insurance units. The method used for establishing average yields and premium rates for a special practice shall be substantially the same as that used for establishing the yields and premium rates for the general practice. The yield and premium rate thus established for the insurance unit(s) shall apply to the acreage of flax seeded on the insurance unit in accordance with the special farming practice followed on the insurance unit(s).

§ 415.35 *Yield and rate appeals.* An applicant may appeal for a change in the yield and premium rate established under the regulations in this part with respect to any insurance unit, in accordance with instructions issued by the Corporation.

GENERAL

§ 415.36 *Meaning of terms.* For the purpose of the 1945 Flax Crop Insurance Program, the term:

(a) "Average yield" means the average yield of flax per acre established by the Corporation for each insurance unit.

(b) "Cash equivalent price per bushel" means the net price per bushel of flax established by the Corporation for the area in which the insurance unit is located on the basis of the price of flax at the basic market designated by the Corporation for the area, with differentials for the location of the area in which the insurance unit is situated.

(c) "Corporation" means the Federal Crop Insurance Corporation.

(d) "Crop year" means the period within which the flax crop is seeded and normally harvested, and shall be designated by reference to the calendar year in which the crop is normally harvested.

(e) "County" means the area commonly designated as such, and includes a parish in Louisiana.

(f) "County association" means the County Agricultural Conservation Association in the county.

(g) "County committee" means the County Agricultural Conservation Committee for the county.

(h) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also: (1) Any other adjacent or nearby farm land which the county committee determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and (2) and field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm constitutes a unit with respect to the rotation of crops: *Provided, however,* That for the purpose of determining the minimum participation for a crop insurance program in any county, the term "farm" means that acreage of land which constitutes an insurance unit.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or, if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located. In addition, a farm shall be considered to be located in a county for crop insurance purposes if it is listed on the crop insurance listing sheets for such county.

(i) "Flax crop" means all flax seeded for harvest as seed, but does not include (1) volunteer or self-seeded flax, (2) flax seeded with any other crop except legumes other than vetch, and (3) flax seeded for purposes other than for harvest as seed.

(j) "Insurance contract" means the contract of insurance entered into between the applicant and the Corporation by virtue of the application for insurance and the regulations in this part and any amendments thereto.

(k) "Insured acreage" means either the acreage reported by the insured as seeded to flax on the insurance unit, or the acreage determined by the Corporation as actually seeded thereon, whichever the Corporation shall elect: *Provided, however,* That the Corporation reserves the right to limit the acreage to be insured. Any acreage seeded to flax on the insurance unit which is put to another use before it is too late to reseed flax, as determined by the Corporation, shall not be considered insured acreage.

(l) "Insured interest" means either the insured's reported interest in the crop at the time of seeding, or the interest which the Corporation determines as the insured's actual interest at the time of seeding, whichever the Corporation shall elect, except that for the purpose of determining loss, the insured interest shall not exceed the insured's actual interest at the time of loss.

(m) "Insured percentage" means the percentage of the average yield of flax per acre for the insurance unit covered by an insurance contract, and shall be either 50 or 75 percent.

(n) "Insurance unit" means all or that portion, as the case may be, of the farm (considered for the purpose of establishing the average yield(s) and premium rate(s)) in which the insured has an interest as a flax producer at the time of seeding, except that when a part of such land is regularly irrigated and the remainder never irrigated, or when separate yields and rates have been established for widely separated parts of such land, such portions of the land shall constitute separate insurance units.

(o) "Local producing area" means any area approved by the Corporation for the purposes of § 415.1 (b), which is similar with respect to types of soil, topography, and type of farming, to an adjacent area in an adjoining county with a crop insurance program.

(p) "Operator" means a person who as landlord or cash tenant, or standing-rent or fixed-rent tenant, is operating a farm, or who as a share tenant is operating a whole farm.

(q) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(r) "Premium rate" means the premium rate per acre established by the Corporation for insurance on flax.

(s) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the flax crop thereon or of the proceeds therefrom.

(t) "State committee" means the State Agricultural Conservation Committee for the State.

(u) "State Director" means the representative of the Corporation in the operation of the crop insurance program in the State.

(v) "Tenant" means a person other than a sharecropper who rents land from another person (for cash, a fixed com-

modity payment, or a share of the crop or proceeds therefrom), and is entitled under a written or oral lease or agreement to receive all or a share of the crop or proceeds therefrom produced on such land.

§ 415.37 *Restriction on purchase and sale of flax by the Corporation.* The restriction on the purchase and sale of flax, as provided in section 508 (d) of the Federal Crop Insurance Act, as amended, reads in part as follows:

Insofar as practicable, the Corporation shall purchase the agricultural commodity only at the rate and to a total amount equal to the payment of premiums in cash by farmers or to replace promptly the agricultural commodity sold to prevent deterioration; and shall sell the agricultural commodity only to the extent necessary to cover payments of indemnities and to prevent deterioration: *Provided, however,* That nothing in this section shall prevent prompt offset purchases and sales of the agricultural commodity for convenience in handling. Nothing in this section shall prevent the Corporation from accepting, for the payment of premiums, notes payable in the commodity insured, or the cash equivalent, upon such security as may be determined pursuant to subsection (b) of this section, and from purchasing the quantity of the commodity represented by any of such notes not paid at maturity.

§ 415.38 *Records and access to farm.* For the purpose of enabling the Corporation to determine the loss, if any, that may have occurred under the insurance contract, the insured shall keep, or cause to be kept, for one year after the time of loss, records of the harvesting, storage, shipment, sale, or other disposition, of all flax produced on each insurance unit covered by the insurance contract. Such records shall be made available for examination by the Corporation, and as often as may reasonably be required, any person or persons designated by the Corporation shall have access to the farm. (See § 415.14 (b).)

§ 415.39 *Review of determinations of State or county committees.* Any determination by a State or county committee shall be subject to review and approval or revision by duly authorized representatives of the Corporation.

§ 415.40 *Applicant's warranties; voidance for fraud.* In applying for insurance the applicant warrants that the information, data, and representations submitted by him in connection with the insurance contract are true and correct, and are made by him, or by his authority, and shall be taken as his act. The insurance contract may be voided and the premium forfeited to the Corporation without the Corporation's waiving any right or remedy, including its right to collect the amount of the note executed by the insured, whether before or after maturity, if at any time the insured has concealed any material fact or made any false or fraudulent statements relating to the insurance contract, the subject thereof, or his interest in the flax crop covered thereby, or if the insured shall neglect to use all reasonable means to produce, care for or save the flax crop covered thereby, whether before or after damage has occurred, or if the insured fails to give any notice, or otherwise fails to comply with the terms of the contract, including the note, at the time and in the manner prescribed.

§ 415.41 *Modification of insurance contract.* No notice to any county committee or representative of the Corporation or knowledge possessed by any such county committee or representative or by any other person shall be held to effect a waiver of or change in any part of the insurance contract or to estop the Corporation from asserting any right or power under such contract; nor shall the terms of such contract be waived or changed except as authorized in writing by a duly authorized representative or officer of the Corporation; nor shall any provision or condition of the insurance contract or any forfeiture be held to be waived by any delay or omission by the Corporation in exercising its rights and powers thereunder or by any requirement, act, or proceeding, on the part of the Corporation or of its representatives, relating to appraisal or to any examination herein provided for.

§ 415.42 *Fractional units in acres and yields.* Fractions of yields per acre and premium rates shall be rounded to the nearest tenth of a bushel. Fractions of acres representing total acres of flax shall be rounded to the nearest tenth of an acre. Computations shall be carried to one digit beyond the digit that is to be rounded. If the extra digit computed is 1, 2, 3, or 4, the rounding shall be downward. If the extra digit computed is 6, 7, 8, or 9, the rounding shall be upward. If the extra digit computed is 5, the computation shall be carried to another digit. If the two extra digits are 50, the rounding shall be downward, and if the two extra digits are 51 or any higher figure, the rounding shall be upward.

§ 415.43 *Closing dates.* Closing dates for submission of applications to cover the 1945 flax crop shall be the earlier of: (a) the date of the beginning of seeding of the flax crop, or (b) April 10, for Montana, North Dakota, and all counties in Minnesota lying north of Traverse, Grant, Douglas, Todd, Morrison, Mille Lacs, Kanabec, and Pine Counties; and March 31, for all other States and counties.

§ 415.44 *Maturity dates for payment of premium notes.* The maturity dates by States for the payment of premium notes shall be as follows: July 1, 1945, for California, Oklahoma and Texas; August 1, 1945, for Iowa and Kansas; September 1, 1945, for all other States.

NOTE: The record keeping requirements of these regulations have been approved by, and subsequent reporting requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on January 31, 1945.

[SEAL] E. R. DUKE,
Chairman.

Approved: February 10, 1945.

GROVER B. HILL,
First Assistant War Food Administrator.

[F. R. Doc. 45-2414; Filed, Feb. 10, 1945; 3:22 p. m.]

Chapter VIII—War Food Administration (Sugar Determinations)

PART 802—SUGAR DETERMINATIONS

SUGAR COMMERCIALLY RECOVERABLE FROM SUGARCANE IN PUERTO RICO

Pursuant to the provisions of section 302 (a) of the Sugar Act of 1937, as amended, and Executive Order No. 9322, issued March 26, 1943, as amended by Executive Order No. 9334, issued April 19, 1943,, and Executive Order 9392, issued October 28, 1943, the following determination is hereby issued:

§ 802.41g *Sugar commercially recoverable from sugarcane in Puerto Rico.* The amount of sugar commercially recoverable from the sugarcane grown on a farm in Puerto Rico and marketed (or processed by the producer) for the extraction of sugar shall be obtained by multiplying the number of short tons of such sugarcane by the number of hundredweights of sugar raw value commercially recoverable per ton of such sugarcane computed in accordance with the applicable provisions of the determination of fair and reasonable prices for the 1943–44 crop of Puerto Rican sugarcane pursuant to the Sugar Act of 1937, as amended, and the quantity of 96° sugar thereby obtained shall be converted to raw value basis in accordance with the provisions of Title I of the Sugar Act of 1937, as amended. This determination shall apply to sugarcane produced in all crop years subsequent to the 1943–44 crop year unless otherwise revoked or modified.

(Sec. 302, 50 Stat. 910; 7 U.S.C. 1132; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 10th day of February 1945.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 45-2434; Filed, Feb. 12, 1945; 11:08 a. m.]

Chapter XI—War Food Administration (Distribution Orders)

[WFO 66, Amdt. 8]

PART 1468—GRAINS

MALTED GRAINS, MALT SYRUPS, RICE, HOPS, AND HOP PRODUCTS

War Food Order No. 66, as amended (8 F.R. 10430, 13841, 9 F.R. 1084, 4321, 4319, 9584, 11461, 11929, 14122, 10 F.R. 103), is further amended as follows:

1. By inserting the following subparagraph immediately after § 1468.2 (b) (2) and renumbering the subsequent subparagraphs in said order, as amended, so as to follow in proper numerical sequence after the following subparagraph:

(3) For each of the quota periods beginning on March 1, 1945, and June 1, 1945, respectively, a brewer shall, notwithstanding the limitations contained in (b) (1) and (2) hereof, compute and use a quota in accordance with the following:

(i) If 93 percent of the total quantity of malted grain used by any brewer in

the base year at all plants owned by such brewer exceeded 70,000 bushels, such brewer may use, during each of the said quota periods beginning on March 1, 1945, and June 1, 1945, not more than 88 percent of the quota which such brewer would be permitted to use during such quota period, pursuant to the provisions of (b) (1) hereof. In the event the quota of any such brewer has been adjusted, by increasing or decreasing his allocation, pursuant to a petition for relief from hardship filed in accordance with the provisions of (i) hereof, the adjusted quota is reduced, for each of the aforesaid quota periods, by 12 percent.

(ii) If 93 percent of the total quantity of malted grain used by any brewer in the base year at all plants owned by such brewer was 70,000 bushels or less, but more than 8,000 bushels, such brewer may use, during each of the said quota periods beginning on March 1, 1945, and June 1, 1945, not more than 93 percent of the quota which such brewer would be permitted to use, during such quota period, pursuant to the provisions of (b) (2) hereof. In the event the quota of any such brewer has been adjusted, by increasing or decreasing his allocation, pursuant to a petition for relief from hardship filed in accordance with the provisions of (i) hereof, the adjusted quota is reduced, for each of the aforesaid quota periods, by 7 percent.

(iii) If the quantity of malted grain used by any brewer in the base year did not exceed 8,000 bushels, such brewer may use, during each of the said quota periods beginning on March 1, 1945, and June 1, 1945, a total quantity of 2,100 bushels. In the event the quota of any such brewer has been adjusted, by increasing or decreasing his allocation, pursuant to a petition for relief from hardship filed in accordance with the provisions of (i) hereof, the adjusted quota is reduced, for each of the aforesaid quota periods, by 7 percent.

2. By deleting therefrom the provisions is § 1468.2 (d) (1) and inserting, in lieu thereof, the following:

(1) No brewer shall purchase or accept delivery of a quantity of malted grain which will cause the total quantity of malted grain owned by such brewer or in his possession to exceed 4,000 bushels or to exceed 8 percent of the quantity of malted grain used by such brewer in the production of such malted beverages in the calendar year 1942, whichever amount is greater.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., February 10, 1945. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 66, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 66, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 9th day of February 1945.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 45-2385; Filed, Feb. 10, 1945; 11:27 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics

[Amdt. 64]

PART 600—DESIGNATION OF CIVIL AIRWAYS

MISCELLANEOUS AIRWAYS

JANUARY 27, 1945.

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600 of the regulations of the Administrator of Civil Aeronautics as follows:

Designation of Civil Airway: Red Civil Airway No. 47. Redesignation of Civil Airways: Green Civil Airway No. 4. Red Civil Airways Nos. 1 and 25. Blue Civil Airway No. 3

1. By striking in § 600.10003 *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.)* the words: "the intersection of the center lines of the on course signals of the northeast leg of the Pittsburgh, Pa., radio range and the west leg of the Cove Valley, Pa., radio range; Cove Valley, Pa., radio range station;" and substituting in lieu thereof the following: "the intersection of the center lines of the on course signals of the northeast leg of the Pittsburgh, Pa., radio range and the west leg of the Altoona, Pa., radio range; Altoona, Pa., radio range station;"

2. By striking in § 600.10200 *Red civil airway No. 1 (Portland, Ore., to Kansas City, Mo.)* the following portion of the caption: "Kansas City, Mo." and substituting in lieu thereof the following: "Grandview Airport, Kansas City, Mo." and by striking the words: "Salina, Kans., radio range station and the center of the city of Alma, Kans., to the Kansas City, Mo., radio range station." and substituting in lieu thereof the following: "Salina, Kans., radio range station; the center of the city of Alma, Kans., and the Kansas City, Mo., radio range station to the Grandview Airport, Kansas City, Mo."

3. By amending § 600.10224 *Red civil airway No. 25 (Daytona Beach, Fla., to Miami, Fla.)* to read as follows:

§ 600.10224 *Red civil airway No. 25 (Tallahassee, Fla., to Miami, Fla.).* From the intersection of the center lines of the on course signals of the east leg of the Tallahassee, Fla., radio range and the northwest leg of the Cross City, Fla., radio range via the Cross City, Fla., radio range station; Tampa, Fla., radio range station; Fort Myers, Fla., radio range station and the intersection of the center lines of the on course signals of the southeast leg of the Fort Myers, Fla., radio range and the west leg of the Miami, Fla., radio range to the Miami, Fla., radio range station.

4. By adding a new § 600.10246 *Red civil airway No. 47 (Tampa, Fla., to Daytona Beach, Fla.)* to read as follows:

§ 600.10246 *Red civil airway No. 47 (Tampa, Fla., to Daytona Beach, Fla.)* From the Tampa, Fla., radio range station via the Orlando, Fla., radio range station to the Daytona Beach, Fla., radio range station.

5. By striking in § 600.10302 *Blue civil airway No. 3 (Tampa, Fla., to Terre Haute, Ind.)* the following portion of the caption: "Tampa, Fla." and substituting in lieu thereof the following: "Tallahassee, Fla." and deleting all before the words: "From the intersection of the center lines of the on course signals of the northwest leg of the Tallahassee, Fla., radio range and the southeast leg of the Dothan, Ala., radio range."

This amendment shall become effective 0001 e. w. t., February 15, 1945.

T. P. WRIGHT,
Administrator.

[F. R. Doc. 45-2425; Filed, Feb. 12, 1945; 9:39 a. m.]

[Amdt. 91]

PART 601—DESIGNATION OF CERTAIN CONTROL AIRPORTS

MISCELLANEOUS AIRWAYS

JANUARY 27, 1945.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part 601 of the regulations of the Administrator of Civil Aeronautics as follows:

Designation of Airway Traffic Control Areas: Red Civil Airway No. 47. Redesignation of Airway Traffic Control Areas: Red Civil Airways Nos. 1 and 25. Blue Civil Airway No. 3. Redesignation of Radio Fixes: Green Civil Airways Nos. 3 and 4. Amber Civil Airway No. 5. Red Civil Airways Nos. 1 and 8. Blue Civil Airway No. 7.

1. By striking in § 601.10201 *Red civil airway No. 1 airway traffic control areas (Portland, Ore., to Kansas City, Mo.)* the following portion of the caption: "Kansas City, Mo." and substituting in lieu thereof the following: "Grandview Airport, Kansas City, Mo."

2. By amending § 601.10225 *Red civil airway No. 25 airway traffic control areas (Daytona Beach, Fla., to Miami, Fla.)* to read as follows:

§ 601.10225 *Red civil airway No. 25 airway traffic control areas (Tallahassee, Fla., to Miami, Fla.).* All of Red civil airway No. 25.

3. By adding a new § 601.10247 *Red civil airway No. 47 airway traffic control areas (Tampa, Fla., to Daytona Beach, Fla.)* to read as follows:

§ 601.10247 *Red civil airway No. 47 airway traffic control areas (Tampa, Fla., to Daytona Beach, Fla.)* All of Red civil airway No. 47.

4. By striking in § 601.10303 *Blue civil airway No. 3 airway traffic control areas (Terre Haute, Ind., to Tampa, Fla.)* the following portion of the caption: "Tampa, Fla." and substituting in lieu thereof the following: "Tallahassee, Fla."

5. By inserting in § 601.4003 *Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.)* after the words "Moline, Ill., radio range station;" the following: "Joliet, Ill., radio range station;"

6. By striking in § 601.4004 *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.)* the words: "the intersection of the center lines of the on course signals of the north leg of the Buckstown, Pa., radio range and the west leg of the Cove Valley, Pa., radio range; Cove Valley, Pa., radio range station;" and substituting in lieu thereof the following: "the intersection of the center lines of the on course signals of the north leg of the Buckstown, Pa., radio range and the west leg of the Altoona, Pa., radio range; Altoona, Pa., radio range station;"

7. By deleting in § 601.4015 *Amber civil airway No. 5 (New Orleans, La., to Milwaukee, Wis.)* the following: "Joliet, Ill., radio range station;"

8. By striking in § 601.40201 *Red civil airway No. 1 (Portland, Oreg., to Kansas City, Mo.)* the following portion of the caption: "Kansas City, Mo." and substituting in lieu thereof the following: "Grandview Airport, Kansas City, Mo."

9. By amending § 601.40208 *Red civil airway No. 8 (Concord, N. H., to U. S.-Canadian Border)* to read as follows:

§ 601.40208 *Red civil airway No. 8 (Hartford, Conn., to U. S.-Canadian Border).* Concord, N. H., radio range station; the intersection of the center lines of the on course signals of the south leg of the Houlton, Maine, radio range and the northeast leg of the Bangor, Maine, radio range.

10. By amending § 601.40307 *Blue civil airway No. 7 (Fresno, Calif., to Hamilton Field, Calif.)* to read as follows:

§ 601.40307 *Blue civil airway No. 7 (Fresno, Calif., to Hamilton Field, Calif.).* Hamilton Field, Calif., radio marker station.

This amendment shall become effective 0001 e. w. t., February 15, 1945.

T. P. WRIGHT,
Administrator.

[F. R. Doc. 45-2426; Filed, Feb. 12, 1945; 9:39 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 51189]

PART 25—CUSTOMS BONDS

CERTIFIED INVOICES

Pursuant to the authority conferred upon the Secretary of the Treasury by the provisions of law cited at the end hereof, *It is hereby ordered*, That collectors of customs may cancel without the collection of liquidated damages any liability incurred before the expiration of 1 year after the termination of the unlimited national emergency proclaimed by the President on May 27, 1941, under a single or term entry bond on account of the failure to produce a certified invoice within the 6-months' period prescribed in section 484 (b) (3) of the Tariff Act of 1930 (U. S. C., Title 19, sec. 1484 (b) (3)), *Provided*, The collector of customs concerned is satisfied that the failure to comply with the bond was due to conditions resulting from the war and not to a purpose of any person to evade any Government requirement, and:

(a) The required invoice is produced within 1 year from the date of the entry; or

(b) The information which should have been furnished by the invoice is not required for the proper appraisement or classification of the merchandise involved, or is otherwise obtained.

This order, during its effective period, shall be supplemental to § 25.17 (b), Customs Regulations of 1943, and to the order published as T. D. 50192 and during such period shall supersede any provision of that order which is inconsistent herewith.

(Sec. 3, 44 Stat. 1382; sec. 643, 46 Stat. 761; sec. 623, 46 Stat. 759; sec. 30, 52 Stat. 1089; 5 U.S.C. 281 (b), 19 U.S.C. 1643, 1623)

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 45-2383; Filed, Feb. 10, 1945; 11:27 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter III—Proclaimed List of Certain Blocked Nationals

[Cum. Supp. No. 6, Feb. 9, 1945 to Rev. VIII of Sept. 13, 1944]

ADMINISTRATIVE ORDER

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Administrator of Foreign Economic Administration, and the Coordinator of Inter-American Affairs, by Proclamation 2497 of the President of July 17, 1941 (6 F.R. 3555), Cumulative Supplement 6 containing certain additions to, amendments to, and deletions from The Proclaimed List of Certain Blocked Nationals, Revision VIII of September 13, 1944 (9 F.R. 11389), is hereby promulgated.[1]

[1] Filed with the Division of the Federal Register in the National Archives. Requests for printed copies should be addressed to the Federal Reserve banks or the Department of State.

By direction of the President:

JOSEPH C. GREW,
Acting Secretary of State.
HERBERT E. GASTON,
Acting Secretary of the Treasury.
FRANCIS BIDDLE,
Attorney General.
WAYNE C. TAYLOR,
Acting Secretary of Commerce.
LEO T. CROWLEY,
Administrator,
Foreign Economic Administration.
WALLACE K. HARRISON,
Deputy Coordinator of
Inter-American Affairs.

FEBRUARY 9, 1945.

[F. R. Doc. 45-2407; Filed, Feb. 10, 1945; 1:14 p. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 803—GENERAL ORDERS

WAGE ADJUSTMENT; CIGAR MANUFACTURING INDUSTRY

The National War Labor Board, under paragraph (d) of § 803.4 (General Order No. 4), has approved the following exception to the exemption provided for in paragraph (a) of this order:

(48) The cigar manufacturing industry located in the Tampa, Hillsboro County, Florida area. (Approved February 2, 1945.)

(E.O. 9250, Oct. 2, 1942, 7 F.R. 7871; as amended by E.O. 9381, Sept. 25, 1943; 8 F.R. 13083; E.O. 9328, Apr. 8, 1943, 8 F.R. 4681; Act of Oct. 2, 1942, C 578, 56 Stat. 765, Pub. Law 729, 77th Cong.)

THEODORE W. KHEEL,
Executive Director.

[F. R. Doc. 45-2423; Filed, Feb. 12, 1945; 9:38 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

[SFAW Reg. 1, Amdt. 2]

PART 602—GENERAL ORDERS AND DIRECTIVES

PREPAID FREIGHT CHARGES

It has come to the attention of SFAW that a number of persons, in complying with specific directions issued pursuant to SFAW Regulation No. 1, as amended, are not prepaying freight charges on the solid fuels directed to be shipped, although they require the beneficiaries of the directions to deposit in advance of shipment money to cover the freight charges as well as the purchase price. Some persons to whom specific directions are issued under Regulation No. 1 are also requiring the beneficiaries thereof to advance funds far in excess of the estimated value of the tonnage that is to be shipped, and are failing to remit promptly any money advanced in advance of shipment that is in excess of the actual charges. Because these practices make it unduly difficult for the bene-

ficiary of a specific direction issued under Regulation No. 1 to obtain emergency shipments of solid fuels, and because these practices usually are committed in order to evade compliance with the specific direction, SFAW Regulation No. 1 is amended as follows:

1. Section 602.1 (d) is amended to read as follows:

(d) Unless otherwise indicated, any specific direction issued by the Solid Fuels Administrator requiring, forbidding, or otherwise providing for the delivery of solid fuels by or to any person or persons shall be deemed to be issued pursuant to this regulation and, except as otherwise provided in paragraph (e) of this regulation, must be complied with. Any person who receives a direction requiring the delivery of solid fuels by him shall immediately acknowledge to the Solid Fuels Administrator receipt of the direction and shall indicate his ability to comply with such direction.

2. Paragraph (e) of § 602.1 is redesignated paragraph (f).

3. A new paragraph (e) is added to § 602.1 to read as follows:

(e) No person need deliver a solid fuel to any other person in accordance with a specific direction issued under this regulation unless a reasonable arrangement for payment is reached between such person and the person (the beneficiary of the direction) to whom the solid fuel is directed to be shipped. However, no person to whom a specific direction is issued under this regulation shall (1) require the beneficiary thereof to advance a sum of money greater than the estimated value of the tonnage to be shipped at any one time, (2) require the beneficiary to advance money to cover freight charges for the solid fuel directed to be shipped unless freight charges are actually prepaid, or (3) fail to refund immediately to the beneficiary any money due the beneficiary when the purchase price and the freight charges of the solid fuel actually shipped have been determined.

This amendment shall become effective immediately.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; WPB Directive No. 33, as amended, 9 F.R. 64; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176 and Pub. Law 509, 78th Cong., 2d Sess.)

Issued this 9th day of February 1945.

HAROLD L. ICKES,
Solid Fuels Administrator for War.

[F. R. Doc. 45-2389; Filed, Feb. 10, 1945; 11:44 a. m.]

PART 602—GENERAL ORDERS AND DIRECTIVES

DIRECTION TO ALL SHIPPERS AND INDUSTRIAL CONSUMERS OF DISTRICT 11 COAL

Because the domestic requirements for District 11 coal cannot be met unless a drawdown in the stocks of industrial consumers of such coal is effected as an emergency measure for the month of February 1945, it is necessary pursuant to SFAW Regulation No. 1, as amended, to issue the following direction:

(1) Notwithstanding the provisions of § 602.517 (d) of SFAW Regulation No. 23, as amended, no industrial consumer of District 11 coal shall receive during February 1945 from any shipper an amount of District 11 coal in excess of the amount that the shipper is permitted to deliver by paragraph (2) below of this direction.

(2) No shipper shall deliver District 11 coal during February 1945 to any industrial consumer in excess of (a) 90 per cent of the amount of such coal ordered by the consumer from the shipper for delivery during February 1945, or (b) 90 per cent of the amount of such coal that the industrial consumer is entitled to receive from the shipper under § 602.517 (d) of SFAW Regulation No. 23, as amended, whichever is less. In no event shall the application of this percentage require the drawdown of the stockpile of an industrial consumer below a 20 days' supply.

(3) No person shall be held liable for damages or penalties under any contract for any default which shall result directly or indirectly from compliance with the provisions of this direction.

This direction shall become effective immediately.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176 and 58 Stat. 827)

Issued this 9th day of February 1945.

C. J. POTTER,
Deputy Solid Fuels Administrator for War.

[F. R. Doc. 45-2388; Filed, Feb. 10, 1945; 11:44 a. m.]

[SFAW Reg. 25, Amdt. 2]

PART 602—GENERAL ORDERS AND DIRECTIVES

DISTRIBUTION OF BITUMINOUS COAL VIA GREAT LAKES

In order to assure the proper and equitable distribution of bituminous coal moving via the Great Lakes, it is necessary to amend SFAW Regulation No. 25 as follows:

1. Section 602.600 is amended by adding a new paragraph to read as follows:

§ 602.600 *Meaning of terms used in this regulation.* * * *

"Industrial process" includes, for example, any manufacturing or commercial processing operation, any generation of electrical energy, and the ordinary operations of commercial bakeries, laundries, vegetable hothouses, restaurants, or hospitals. "Industrial process" does not include, for example, the ordinary functions or operations of apartment houses, schools, churches, hotels (exclusive of functions as restaurants), theatres and motion picture houses.

2. Section 602.602 is amended by adding a new paragraph (e) to read as follows:

§ 602.602 *Contracts required for coal moving via the Great Lakes.* * * *

(e) If you are a person who uses coal for an industrial process, and if you receive such coal from a retail dealer supplied by a commercial lake dock operator, you are prohibited from receiving from any such retail dealer during the period April 1, 1945 to May 15, 1946 any coal unless you supply, on or before February 26, 1945, to the retail dealer from whom you intend to purchase coal the information which such retail dealer is required to furnish to commercial lake dock operators pursuant to § 602.610 (e) of this regulation.

3. Section 602.610 is amended in the following respects:

a. The title is amended to read as follows: "Information required to be filed by receivers, lake forwarders, producers, industrial consumers and retail dealers."

b. A new paragraph (e) is added to read as follows:

(e) If you are a retail dealer who receives coal from a commercial lake dock operator, and who sells coal for an industrial process, you shall file on or before March 1, 1945, with each of the commercial lake dock operators who supplies you, a statement, in the form set forth in Appendix A, showing:

(1) The names of your customers using coal for industrial processes to whom you are obligated to supply coal (to be received from the commercial lake dock operator with whom you will file this information) during the period May 15, 1945, to May 15, 1946.

(2) The use to which the coal is put by each such customer.

(3) The amount of coal, by grades and sizes, sold by you to each such customer during the period April 1, 1943, to March 31, 1944, and supplied by the commercial lake dock operator with whom you will file this information.

(4) The amount of coal, by grades and sizes, required by each such customer during the period May 15, 1945, to May 15, 1946, to be obtained by you from the commercial lake dock operator with whom you will file this information.

NOTE: (a) If the amount of coal thus required by a customer during the period May 15, 1945, to May 15, 1946, is greater than the amount purchased by the customer during the base period (April 1, 1943, to March 31, 1944), you should state the reason for such discrepancy.

(b) If the statement shows that a prepared size is required by your customer, you should indicate why such coal, rather than slack, is required.

(c) Any commercial lake dock operator who has previously arranged to secure substantially the same information as required above, may advise his retail dealer customers that they are relieved from filing such information again, provided that such dock operator shall first have obtained the approval of SFAW.

4. A new section is added to read as follows:

§ 602.616 *Information to be preserved for inspection.* Information required to be filed by retail dealers with commercial lake dock operators under this regulation shall be preserved by the commercial lake dock operators for a period of two years and shall be subject to inspection, copy and audit by any duly authorized representative of SFAW.

This amendment shall become effective immediately.

NOTE: The reporting provisions of this amendment have been approved by the Bureau of the Budget, pursuant to the Federal Reports Act of 1942. Certified to be a true copy of the original.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 176 and 58 Stat. 827)

Issued this 9th day of February 1945.

C. J. POTTER,
Deputy Solid Fuels Administrator for War.

[F. R. Doc. 45-2387; Filed, Feb. 10, 1945; 11:44 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 59 as Amended Feb. 10, 1945]

PHTHALIC ALKYD RESINS

§ 3293.1059 *Schedule 59 to General Allocation Order M-300*—(a) *Definition.* "Alkyd resins" means those synthetic resins known as phthalic alkyd resins which are the reaction product in solid, liquid, or solution form of polyhydric alcohols with phthalic acid, phthalic anhydride or both, whether or not modified by any drying or non-drying oil such as tung, oiticica, castor, linseed, fish or other oils. The term includes all alkyd resins modified with phenolic reactant (as that term is defined in the War Production Board Order M-246) to the extent of ten per cent (10%) or less by weight of the resin on a solvent free basis.

(b) *General restrictions.* Alkyd resins are subject to allocation under General Allocation Order M-300 as an Appendix A material. The initial allocation date for alkyd resins as defined in Order M-139 (revoked) is January 1, 1943, when alkyd resins as so defined were first put under allocation. The initial allocation date of additional material covered in the enlarged definition of alkyd resins in paragraph (a) of this Schedule is November 1, 1944. The allocation period is the calendar month and the small order exemption is 50 pounds (solvent free basis) per person per month for experimental purposes only, and 10 pounds (solvent free basis) per person per month for any purpose.

(c) *WPB-2945 applicants required to place purchase orders.* Each person seeking authorization to accept delivery of alkyd resins shall on or before the 15th of each month furnish the supplier named in his WPB-2945 (which he files on or before the 15th of that month) with a purchase order for the full amount of the alkyd resins (specifying type and quantity of resin) requested from that supplier for delivery during the allocation period covered by the form.

(d) *Stocks affected.* All stocks of alkyd resins are subject to this Schedule, notwithstanding the "consumers' stocks" exemption of Order M-300.

(e) *Cancelled deliveries of alkyd resins.* If a supplier is unable to make any delivery authorized by War Production Board because of receipt of notice of cancellation of the purchase order or otherwise, the supplier must notify the War Production Board of this fact by letter within 10 days thereafter, and shall not thereafter deliver those alkyd resins to anyone else or use those alkyd resins for any purpose until he receives further authorization from the War Production Board.

(f) *Restrictions on phthalic anhydride content of alkyd resins.* Except as otherwise authorized by the War Production Board (under paragraph (w) of Order M-300), the following restrictions are applicable to persons who use alkyd resins:

(1) *In proprietary coatings.* No person, on and after February 10, 1945, shall use alkyd resins for the production of proprietary coatings to fill military orders (both direct and indirect as defined in paragraph (h) of this schedule) which shall result in a coating containing more than 32 per cent phthalic anhydride based on solid content of the vehicle. For the purpose of this paragraph, a proprietary coating is any protective coating other than one which is specifically produced to conform to an Army, Navy, Marine Corps, Coast Guard or Maritime Commission specification. There is one exception to this rule, however. Any person may use alkyd resins for the production of proprietary coatings containing more than 32 per cent but not more than 40 per cent phthalic anhydride (based on solid content of the vehicle) to fill military orders, provided that his total usage of alkyd resins in any calendar month for that purpose does not exceed 4 per cent of the total quantity allocated to him for that month. He shall not ship to any one customer in any calendar month more than 500 gallons in the aggregate of such proprietary coatings containing more than 32 per cent but not more than 40 per cent phthalic anhydride based on solid content of the vehicle.

(2) *In protective coatings to fill civilian orders.* No person shall use alkyd resins for the production of protective coatings to fill civilian orders which shall result in a coating containing more than 20 per cent phthalic anhydride based on solid content of the vehicle. There are three exceptions to this rule, however. Any person may use alkyd resins to fill civilian orders on hand (not anticipated orders) for the following protective coatings containing not more than 40 per cent phthalic anhydride content based on solid content of the vehicle:

(i) Varnish for electrical insulation or impregnation where dielectric characteristics are required.

(ii) Interior can or closure coatings.

(iii) Electrical equipment coatings.

(3) *In coatings conforming to specifications other than those shown in paragraph (f) (4) below.* Any person may use alkyd resins of any phthalic anhydride content based on solid content of the vehicle, for the production of protective coatings conforming to specifications other than those listed in paragraph (f) (4): *Provided, however,* That such coatings may only be delivered on direct or indirect military orders where those specifications are required.

(4) *In coatings conforming to certain specifications.* No person shall use alkyd resins for the production of protective coatings conforming to the specifications appearing at the end of this paragraph (f) (4) which shall result in a coating containing a greater phthalic anhydride content (based on solid content of the vehicle) than is indicated opposite those specifications.

Permitted phthalic anhydride content of protective coatings conforming to the specifications listed below:

Phthalic anhydride content:	*Specifications*
32% or less, based on solid content of vehicle.	1. U. S. Army, 3-177 (Enamel, Gloss (For Wood) Cleaning Compound Resistant).
32% or less, based on solid content of vehicle.	2. U. S. Army, 3-178 (Enamel, Gloss (For Metal) Cleaning Compound Resistant).
32% or less, based on solid content of vehicle.	3. U. S. Army, 3-181 (Enamel, Olive Drab, Rust-Inhibiting).
32% or less, based on solid content of vehicle.	4. U. S. Army, 3-183 (Primer, Synthetic, Lacquer-Resisting).
32% or less, based on solid content of vehicle.	5. U. S. Army, 3-187 (Enamel, Glyceryl Phthalate, Special (For coating pipe line equipment)).
32% or less, based on solid content of vehicle.	6. U. S. Army, CQD-200B (Coatings; Exterior, Air-Drying Camouflage and Rust-Inhibiting, for Food Cans).
32% or less, based on solid content of vehicle.	7. U. S. Army, CQD-65B (Liner, Helmet, M-1).
32% or less, based on solid content of vehicle.	8. Federal, TT-E-485 (Enamel; Drum-Coating, Exterior, Rust-Inhibiting, Solvent Resistant).
32% or less, based on solid content of vehicle.	9. U. S. Army, 3-173, Grade I (Enamel, Synthetic, Lustreless).
32% or less, based on solid content of vehicle.	10. U. S. Army, 3-174, Grade I (Enamel, Synthetic, Semi-Gloss).
32% or less, based on solid content of vehicle.	11. U. S. Army, 3-175, Grade I (Enamel, Synthetic, Gloss).

Phthalic anhydride content—Continued.	*Specifications*
32% or less, based on solid content of vehicle.	12. U. S. Army, 3–171, Grade I (Primer, Synthetic, for Ferrous Metals).
32% or less, based on solid content of vehicle.	13. U. S. Army, 3–172A, Grade I (Primer, Synthetic Refinishing).
24½ or less, based on solid content of resin.	14. U. S. Navy, 52R13 (INT) (Resin, Alkyd, Solution).
24½ or less, based on solid content of resin.	15. U. S. Maritime Commission 52–MC–21 (Resin, Alkyd, Solution).
None	16. Those protective coatings commonly designated in the trade as baking wrinkle finishes or baking wrinkle enamels including materials produced in conformance with U. S. Army Specification 3–188, which replaces TAC–ES–680b, Classes 541 and 542 (Wrinkle Finish).
None	17. U. S. Army, T–1760 (Enamel, Lustreless, for Coating Metal).
None	18. U. S. Army, 3–162 B and C, Grades I and II (Lacquer, Enamel, Lustreless).
None	19. U. S. Navy, 52–P–22 (INT) (Paint, Inside, Semi-Gloss, White, Fire-Retardant).
None	20. U. S. Army, TAC–ES–680b, Class 101; AXS–750; Corps of Engineers, T–1600 (Primers).
None	21. U. S. Army, TAC–ES–680b, Class 102; AXS–751 (Refinishing Primers).
None	22. U. S. Army, TAC–ES–680b, Classes 200 to 299 inclusive; AXS–752; AXS–753; Corps of Engineers, T–1599 (Lustreless Enamels).
None	23. U. S. Army, TAC–ES–680b, Classes 300 to 399 inclusive (Gloss Enamels).
None	24. U. S. Army, TAC–ES–680b, Classes 439 to 440 Semi-Gloss Enamels).
None	25. U. S. Navy, 52P26 (INT) (Primer, Metal (Brown)).
None	26. U. S. Army, 14105C (Lacquer Cellulose Nitrate, Camouflage).
None	27. U. S. Army, 14109B (Enamel, Camouflage, Quick-Drying).
None	28. U. S. Navy, 52E4 (INT) (Enamel, Light Gray, Machinery).

(g) *Suppliers' applications on WPB–2946.* Each supplier seeking authorization to deliver shall file application on Form WPB–2946 (formerly PD–601). Filing date is the 19th day of the month before the requested allocation month. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M–300–59. The unit of measure is pounds (solvent free). In Table I fill in only the aggregate quantity requested (without specifying customers' names) for delivery on exempt small orders. In Table II, Column 8, applicant should list his separate producing plants and opposite each plant in Columns 9 through 14, inclusive, report one applicable lump sum (solvent free) for all grades. Leave Columns 15 and 16 blank.

(h) *Customers' applications on Form WPB–2945.* Each person seeking authorization to use or accept delivery shall file application on Form WPB–2945 (formerly PD–600). Filing date is the 15th day of the month before the requested allocation month. File separate sets of forms for each supplier. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M–300–59, and one copy to the supplier. On copy sent to the supplier, fill in only the heading and Columns 2 and 3. The unit of measure is pounds (solvent free). Column 1. Leave blank. Columns 2, 3 and 4. Information called for in these columns falls into four groups, viz., Group I—Indirect Military Orders for List A End Uses; Group II—Direct Military Orders for All End Uses; Group III—Indirect Military Orders for End Uses Other Than List A End Uses, and Civilian Orders for All End Uses; and Group IV—Export Orders.

Applicants may lump their allocation requests for alkyd resins to fill indirect military orders for the end uses appearing in List A at the end of these instructions. This is Group I. Allocation requests for alkyd resins to fill purchase orders in the other three groups must be broken down in greater detail, as explained below under each group.

For the purposes of these instructions the following definitions are applicable:

(1) "Indirect military order" means any purchase order for alkyd resins to be used on, or incorporated in material or equipment delivered, or to be delivered to, the United States Army, Navy, Marine Corps, Coast Guard, Maritime Commission or War Shipping Administration;

(2) "Direct military order" means any purchase order for alkyd resins, or a product containing alkyd resins, to be delivered directly to the United States Army, Navy, Marine Corps, Coast Guard or Maritime Commission;

(3) "Civilian order" means any purchase order for alkyd resins, or a product containing alkyd resins which is not an "indirect military order" or a "direct military order".

Information called for in Columns 2, 3 and 4 should be separated into four groups and set forth on Form WPB–2945 in the order indicated below. Each group shall be preceded by the group number and heading describing the group, viz., "Group I—Indirect Military Orders for List A End Uses", etc.

GROUP I—INDIRECT MILITARY ORDERS FOR LIST A END USES

Orders on hand. In Column 2 specify a lump sum (solvent free basis) for each primary product listed in Column 3 covered by indirect military orders on hand for List A end uses. In Column 4 specify "orders on hand".

Anticipated orders. In Column 2 specify a lump sum (solvent free basis) for each primary product listed in Column 3 to be delivered on anticipated indirect military orders for List A end uses. In Column 4 specify "anticipated orders".

GROUP 2—DIRECT MILITARY ORDERS FOR ALL END USES

Orders on hand only. In Column 2 specify exact poundage (solvent free basis) for each primary product listed in Column 3 for each separate end use described in Column 4. Primary product and end use information shall be described in accordance with WPB I–217. In addition, contract and specification numbers must be stated in Column 4 for each separate end use together with the words "orders on hand". The War Production Board will not entertain applications for allocations of alkyd resins to fill anticipated direct military orders.

GROUP 3—INDIRECT MILITARY ORDERS FOR END USES OTHER THAN LIST A END USES, AND CIVILIAN ORDERS FOR ALL END USES

Orders on hand only. In Column 2 specify exact poundage (solvent free basis) for each primary product listed in Column 3 for each end use described in Column 4. Primary product and end use information shall be described in accordance with WPB I–217. In addition, contract and specification numbers must be stated in Column 4 opposite each primary product to be delivered on each indirect military order. In Column 4 specify "orders on hand". The War Production Board will not entertain applications for allocation of alkyd resins for anticipated military orders for end uses other than those appearing in List A, or for anticipated civilian orders.

GROUP 4—EXPORT ORDERS

Orders on hand only. In Column 2 specify exact poundage (solvent free basis) for each primary product listed in Column 3 which is to be exported. Opposite in Column 4, specify the name of each individual, company, or governmental agency to whom or for whose account the alkyd resins will be exported, and the country of destination. The specific end use for the alkyd resin must be given together with the words "orders on

hand". Primary product and end use information shall be described in accordance with WPB I-217. If the shipment is for Lend-Lease, or United Nations Relief and Rehabilitation Administration, specify Lend-Lease or UNRRA contract or serial number. If the shipment is not for Lend-Lease or UNRRA, or not destined for Canada, Form WPB-2945 must first be sent to Foreign Economic Administration together with an application for an export license. If the export license is granted, Foreign Economic Administration will then affix the export license number to Form WPB-2945 and forward it to War Production Board. The War Production Board will not entertain applications for allocations of alkyd resins for anticipated export orders.

Columns 11 through 16. Fill in all columns showing a total quantity in pounds for all grades on a solvent free basis.

Columns 17 through 25. Leave blank.

LIST A—END USES

NOTE: List A amended Feb. 10, 1945.

ARMS, WEAPONS & AMMUNITION (INCLUDING ACCESSORIES) (MILITARY ONLY)

0102 Heavy arms and weapons including parts (such as Cannons, Howitzers, Mortars, Gunmounts)
0104 Firing control equipment—except Radar
0112 Shells, 20 mm. and over
0113 Grenades
0114 Torpedoes
0115 Bombs and Component parts—except photoflash bombs
0116 Mines and Depth charges
0117 Pyrotechnic ammunition (such as flares, signal, photoflash bombs)
0118 Smoke generators
0131 Ammunition boxes & chests—ordnance (except aircraft)—metal
0133 Ammunition racks
0134 Bomb racks
0135 Cartridge tanks

AIRCRAFT (MILITARY ONLY)

0201 Body and wing—metal
0202 Body and wing—wood & fabric
0203 Propellers
0204 Motors, generators and engines (airplanes)
0205 Fuel tanks & cells (airplane)
0210 Instruments other than radio and radar for aircraft
0221 Ammunition boxes and chests (airplane)—metal
0226 Parachute parts
0228 Landing mats

TRANSPORTATION (EXCEPT AIRCRAFT) (MILITARY ONLY)

*0301 Ships and vessels (all types), hulls exterior (on War Shipping Administration purchase orders, primer only)
0302 Ships and vessels (all types), hulls interior primer
0304 Ships and vessels (all types), decks and superstructure primer
*0305 Ships and vessels (all types), decks and superstructure topcoat (on War Shipping Administration orders, primer only)
*0311 Life rafts (on War Shipping Administration orders, primer only)
0312 Invasion barges
0313 Landing boats, steel
0314 Landing boats, plywood
0315 Barges, except invasion, wood
0316 Barges, except invasion, steel
0317 Barges, except invasion, concrete
0318 Watercraft, except landing boats, plywood, interior
0319 Watercraft, except landing boats, plywood, exterior
0326 Mine laying and sweeping equipment
0329 Dry docks, floating, steel
0330 Buoys
0331 Navigation instruments
0332 Hawsers and cables
0333 Anchors
0334 Propulsion motors, Diesel and other internal combustion engines, except airplane
0335 Locomotives (including parts)
0340 Railroad freight cars, new, exterior
0346 Railroad tank cars, exterior
0355 Tanks, jeeps and peeps (including mechanical parts), interior
0356 Tanks, jeeps and peeps, exterior (military only)
0357 Ambulances, including parts
0358 Trucks, new, including parts
0359 Trucks, maintenance, including parts
0360 Automobiles, including parts
0362 Trailers & carts
0365 Motorcycles & bicycles
0366 Skis

ELECTRICAL AND COMMUNICATION EQUIPMENT (MILITARY ONLY)

0401 Searchlights
0402 Lanterns and flashlights
0410 Cable and wire insulation
0411 Bonded mica for insulation purposes
0412 Armature lead-in wire
0413 Condensers
0437 Transcription records
0439 Walkie Talkie sets
0440 Radio cabinets
0442 Radio tubes
0445 Other radio parts
0447 Radar equipment
**0449 Surface coatings including cambric
**0450 Varnish for impregnation of coils and wound apparatus
**0451 Wire enamel
**0452 Insulation where dielectric properties required

MACHINERY, EQUIPMENT AND TOOLS (MILITARY ONLY)

0502 Compressors (air and gas) and pumps
0506 Cranes, derricks, hoists and winches, new
0508 Industrial trucks and tractors (including trailers for tractors), new
0524 Lubricating equipment
0525 Water softening equipment
0550 Dredging, excavating, construction and road machinery
0556 Welding machinery and equipment
0558 Fine mechanical tools (such as calipers, gauges, indicators, levels, etc.)
0559 Testing and measuring devices
0571 Tool kits

TEXTILES AND LEATHER (MILITARY ONLY)

0733 Varnished cambric
0738 Map and engineering drawing cloth

HEALTH, SAFETY AND SCIENTIFIC EQUIPMENT (MILITARY ONLY)

0802 X-ray equipment
0816 Surgical and medical instruments
0817 Optical instruments including lenses
0818 Scientific instruments
0819 Sun goggles
0823 Orthopedic appliances
0828 Fire fighting equipment.

PHOTOGRAPHIC MATERIAL AND EQUIPMENT (MILITARY ONLY)

0901 Camera and camera parts
0902 Projectors and enlargers (including parts)
0904 Reels and cans
0905 Developing and printing apparatus (including parts)
0906 Aero paper and film
0907 Sensitized tracing cloth
0908 Sensitized photo copy and blue print papers
0913 Photo templates

PRINTING INKS, PRINTING, PUBLISHING & ENGRAVING ACCESSORIES (MILITARY ONLY)

1014 Map and engineering drawing (printing ink)
1016 Stencils

OFFICE SUPPLIES AND EQUIPMENT (MILITARY ONLY)

1101 Tracing paper and cloth (except sensitized paper and cloth)

FURNITURE (MILITARY ONLY)

*1201 Bedsteads and bunks, primer
*1204 Lockers—Navy (metal only), primer

LAUNDRY, KITCHEN AND REFRIGERATION EQUIPMENT (MILITARY ONLY)

1302 Mess table tops
1310 Laundry equipment and accessories
1311 Refrigerators and coolers

BUILDING MATERIALS AND BUILDINGS (MILITARY ONLY)

1404 Hardware and locks
1407 Plumbing (such as metal or non-metal sanitary ware, pipe and pipe fittings, low pressure valves, etc.)
1426 Nissen huts
1427 Hospital operating rooms

CONTAINERS, PACKAGES AND ACCESSORIES (MILITARY ONLY)

1511 Glass containers, including closures and parts—(foods, medicinal, chemical, only)
1513 Canteens, water and blitz cans, exterior
1514 Gasoline and water drums, interior

MISCELLANEOUS (MILITARY ONLY)

1612 Helmets
1613 Helmet liners
1615 Identification tags and plates—metal
1625 Map and chart covers and holders

NOTE: Code descriptions bearing symbol (*) are narrower than the corresponding descriptions appearing in WPB I-217. Code descriptions bearing symbol (**) do not appear in WPB I-217. All other code descriptions in List A are the same as those in WPB I-217.

(i) *Budget Bureau approval.* The above reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(j) *Communications to War Production Board.* Reports and communications concerning this schedule shall be addressed to: War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-59.

Issued this 10th day of February 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-2372; Filed, Feb. 10, 1945; 11:19 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 91]

ETHYL ETHER

§ 3293.1091 *Schedule 91 to General Allocation Order M-300*—(a) *Definition.* "Ethyl ether" means sulfuric ether or anaesthesia ether.

(b) *General provisions.* Ethyl ether is subject to the provisions of General Allocation Order M–300 as an Appendix B material. The initial allocation date is March 1, 1945. The allocation period is the calendar month. The small order exemption without use certificate is 1240 pounds per person per month.

(c) *Exemption for Government owned plants.* Ethyl ether produced in any smokeless powder or synthetic rubber plants owned by any department, agency or corporation of the United States Government, which is delivered to or consumed by any such plant, may be so used and delivered without specific authorization under Order M–300, and this schedule.

(d) *Suppliers' applications on WPB–2947.* Each supplier seeking authorization to use or deliver shall file application on Form WPB–2947 (formerly PD–602). Filing date is the 15th day of the month before the proposed delivery month. Applications for delivery in March 1945, may be filed as soon after February 15, 1945, as possible. File separate sets of forms for each producing plant. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M–300–91. The unit of measure is pounds. List all customers by name and separate all purchase orders according to the end use specified on the customer's certificate. An aggregate quantity may be requested, without specifying customers' names for delivery on uncertified exempt small orders. Fill in Table II.

(e) *Certified statements of use.* Each person placing orders for delivery of more thar 1240 pounds of ethyl ether per month in the aggregate from all suppliers, shall furnish each supplier with a certified statement of proposed used, in the form prescribed in Appendix D of Order M–300. End use may be specified as "smokeless powder", "drugs", "anesthesia", or in terms of any other specified product. The governing military or Lend-Lease contract number, if any, should also be given. Proposed use may also be specified as "for resale on further authorization", "for resale on exempt small orders", or "for export" (specify destination and export license number).

(f) *Budget Bureau approval.* The above reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(g) *Communications to War Production Board.* Reports and communications concerning this schedule shall be addressed to: War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M–300–91.

Issued this 10th day of February 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–2373; Filed, Feb. 10, 1945; 11:19 a. m.]

PART 3296—SAFETY AND TECHNICAL EQUIPMENT

[General Limitation Order L–266, as Amended Feb. 10, 1945]

STERILIZER EQUIPMENT

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account and for export of the materials entering into the manufacture of sterilizer equipment; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3296.91 *General Limitation Order L–266*—(a) *Definitions.* For the purposes of this order:

(1) "Sterilizer equipment" means the following types of sterilizers, as each is hereinafter defined, and includes heating elements when such elements are an integral part of such sterilizers: Pressure sterilizers, bulk pressure sterilizers, pressure water sterilizers, non-pressure water sterilizers, non-pressure instrument sterilizers, non-pressure utensil sterilizers, baby bottle pasteurizers and sterilizers, bedpan steamers, boiling type bedpan sterilizers, laboratory pressure sterilizers, bedpan washers and field sterilizers. The term shall not include used or rebuilt sterilizer equipment, nor any parts or materials for the repair or maintenance of existing sterilizer equipment. nor shall it include any pressure cooker designed for processing foods.

(2) "Pressure sterilizer" means a sterilizer having a volumetric capacity of less than 40,000 cubic inches which is designed to utilize steam under pressure in order to free articles from living pathogenic microorganisms.

(3) "Bulk pressure sterilizer" means a sterilizer having a volumetric capacity of 40,000 cubic inches or more which is designed to utilize steam under pressure in order to free articles from living pathogenic microorganisms. It may or may not include attachments for fumigating purposes.

(4) "Pressure water sterilizer" means a sterilizer which is designed to heat water to a temperature higher than 212° F. in order to free it from living pathogenic microorganisms.

(5) "Non-pressure water sterilizer" means a sterilizer which is designed to free water from living pathogenic microorganisms by means of boiling.

(6) "Non-pressure instrument sterilizer" means a sterilizer which is designed to free surgical, medical and dental instruments and similar articles from living pathogenic microorganisms by subjecting them to a boiling liquid. The term shall not include any such sterilizer which contains metal in no part other than the heating element, lid and essential hardware.

(7) "Non-pressure utensil sterilizer" means a sterilizer which is designed to free hospital or medical utensils and similar articles from living pathogenic microorganisms by subjecting them to boiling water.

(8) "Baby bottle pasteurizer and sterilizer" means equipment designed to free baby bottles from living pathogenic microorganisms and to pasteurize baby milk formulas. The term shall not include any such equipment having a capacity of twelve bottles or less.

(9) "Bedpan steamer" means a sterilizer designed to free bedpans, urinals and similar articles from living pathogenic microorganisms by subjecting them to live steam.

(10) "Boiling type bedpan sterilizer" means a sterilizer designed to free bedpans, urinals and similar articles from living pathogenic microorganisms by subjecting them to boiling water.

(11) "Laboratory pressure sterilizer" means a sterilizer which is designed to free articles from living pathogenic microorganisms by utilizing steam under pressure and which is specially designed for use in a laboratory.

(12) "Bedpan washer" means apparatus designed to wash (and, in some cases, to sterilize) bedpans, urinals, and similar articles, and which may or may not be equipped with flushing mechanism.

(13) "Field sterilizer" means any sterilizer which is designed for use in the field and which is manufactured for delivery to or for the account of (i) the Army or Navy of the United States, or (ii) any agency of the United States Government for delivery to or for the account of the government of any country pursuant to the Act of March 11, 1941, entitled, "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(14) "Manufacturer" means any person engaged in the manufacturing, fabricating or assembling of sterilizer equipment.

(15) "Distributor" means any person who purchases sterilizer equipment solely for the purpose of resale without further fabrication.

(b) *Restrictions on the manufacture of sterilizer equipment.* (1) Except as provided in subparagraph (2) of this paragraph (b), no manufacturer shall manufacture or continue the manufacture of any sterilizer equipment other than the permitted sizes of the permitted types set forth in Schedule A attached to this order.

(2) Any sterilizer equipment which was in the process of fabrication on February 24, 1943, and which cannot be completely fabricated within the restrictions of Schedule A, attached to this order, may be further fabricated after said date only to the extent specifically authorized by the War Production Board. Any manufacturer requesting such specific authorization shall file a statement in duplicate with the War Production Board setting forth in detail the number of units of each type in process of fabrication on February 24, 1943, the extent of the fabrication, the amount of materials required to complete fabrication, the reasons why such units cannot be converted to the permitted types and sizes set forth in Schedule A, and any other facts supporting the request for specific authorization.

(c) *Restrictions on the use of copper and copper base alloys in the manufacture of non-pressure instrument sterilizers.* No manufacturer shall incorporate any copper or copper base alloy in the manufacture of any non-pressure instrument sterilizer (other than field sterilizers), except as follows:

(1) Brass castings, containing not more than 74% copper or 2% tin, or such greater amounts as may be specifically authorized by the War Production Board pursuant to paragraph (c) (2) (iv) of Order M-9-c;

(2) Copper or copper base alloy may be used in electrical circuits and draincocks;

(3) Copper base alloy sheet may be used in non-pressure instrument sterilizers which are 20 in. in length by 10 in. in width by 9 in. in depth or larger in size; and

(4) Copper or copper base alloy may be used in trays and tray-lifting devices.

(d) [Deleted Feb. 10, 1945.]

(e) [Deleted Feb. 10, 1945.]

(f) *Production and shipping schedules and restrictions thereon.* (1) On or before the 15th day of July, 1943, and on or before the 5th day of each succeeding calendar month, each manufacturer of sterilizer equipment shall file with the War Production Board in triplicate on Form WPB 2232 (Formerly Form PD-774), his proposed production and shipping schedules of sterilizer equipment for the period required by such form. Upon receipt of such form, the War Production Board will approve the proposed production and shipping schedules or make such changes therein as it shall deem necessary, and will thereupon return to the manufacturer a copy of such form as approved or changed.

(2) In addition to the restrictions contained in paragraphs (b) and (c) of this order each manufacturer shall produce and ship sterilizer equipment in accordance with his production and shipping schedule as approved or changed by the War Production Board, regardless of any preference rating which any order may bear or any order or regulation of the War Production Board.

(g) *Other allocation action.* With respect to sterilizer equipment, the War Production Board may, notwithstanding any other order, preference rating, or regulation of the War Production Board:

(1) Direct the return or cancellation of any unfilled order on the books of a manufacturer; or

(2) Cancel orders placed with one manufacturer and direct that they be placed with another manufacturer.

(h) *Reports.* The reporting requirements in this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. All persons affected by this order shall also file such other reports as may be required from time to time by the War Production Board, subject to approval by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(i) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(j) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(k) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(l) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(m) *Correspondence.* Reports to be filed and other communications concerning this order shall be addressed to the War Production Board, Safety and Technical Equipment Division, Washington 25, D. C., Ref: L-266.

Issued this 10th day of February 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Permitted types	*Permitted sizes*[1]
Pressure sterilizer (cylindrical).	8" diameter by 16" Length 16" diameter by 24" Length 20" diameter by 28" Length 20" diameter by 36" Length 30" diameter by 54" Length
Pressure sterilizer (rectangular).	Any sizes with a capacity between 20,000 and 40,000 cubic inches
Pressure water sterilizer (single tank or pairs).	8 gallon capacity per tank 15 gallon capacity per tank 25 gallon capacity per tank
Non-pressure instrument sterilizer.	13" length by 5" width by 3¾" depth 16" length by 6" width by 4" depth 20" length by 10" width by 9" depth 22" length by 12" width by 10" depth
Non-pressure utensil sterilizer.	24" length by 16" width by 16" depth 24" length by 20" width by 20" depth

[1] A variation of not more than 10 per cent in the specified dimensions and capacities will be permitted.

SCHEDULE A—Continued

Permitted types	*Permitted sizes*[1]
Baby bottle pasteurizer and sterilizer (36 bottles).	22" length by 12" width by 10" depth
Horizontal laboratory pressure sterilizer (cylindrical) (single pressure wall or double pressure wall).	16" diameter by 24" length 20" diameter by 28" length 20" diameter by 36" length
Vertical laboratory pressure sterilizer (cylindrical).	11" diameter by 24" length 14" diameter by 26" length
Bedpan steamer	24" length by 16" width by 16" depth
Boiling type bedpan sterilizer.	24" length by 16" width by 16" depth
Bulk pressure sterilizer.	No restriction
Field sterilizer	No restriction
Bedpan washer	No restriction

[F. R. Doc. 45-2371; Filed, Feb. 10, 1945; 11:19 a. m.]

PART 4600—RUBBER, SYNTHETIC RUBBER, BALATA AND PRODUCTS THEREOF

[Rubber Order R-1, Appendix II, as Amended Nov. 9, 1944, Amdt. 1]

Effective February 15, 1945, List 32 of Appendix II, Rubber Order R-1, as amended November 9, 1944, is amended to read as follows:

LIST 32—REGULATIONS FOR THE USE OF HIGH TENACITY RAYON CORD

(a) In the manufacture of rubber products, high-tenacity rayon cord may be used only for the following listed products.

Order of preference and type of product

1. Airplane tires.
2. Self-sealing fuel cells.
3. Bullet-sealing hose.
4. Combat (U. S.) tires including only cross-sections 8.00 and larger.
5. Mileage contract bus tires:
   - (a) Intercity bus tires of cross-section 9.00 and smaller in S-3, S-4, S-5, S-6 and S-7 synthetic constructions only.
   - (b) Intercity bus tires of cross-section 10.000 and larger in any crude rubber or synthetic rubber constructions.
   - (c) City bus tires in S-3, S-4, S-5, S-6 and S-7 synthetic constructions only.
6. Synthetic rubber truck and bus tires, including only:
   Tread Types: Standard low Platform Trailer.
   Sizes: 7.50 and up, 10 plies and more.
   Constructions: S-3, S-4, S-5, S-6 and S-7.
   Orders: Government and Civilian.
7. Truck and bus tires, including only:
   Tread Types: Standard Highway and Mud-Snow.
   Sizes: 14.00-20-24, 20 plies.
   Constructions: Any.
   Orders: Government only.
8. Synthetic rubber truck and bus tires, including only:
   Tread Types: Standard Highway, Mud-Snow.
   Sizes: 8.25 through 10.00, 10 plies and more.
   Constructions: S-4 and S-6.
   Orders: Government and Civilian.

9. Truck and bus tires, including only:
   Tread Types: Standard Highway.
   Sizes:
   8.25–20, 10 and 12 plies.
   9.00–20, 10 plies.
   9.00–20/36 x 8, 12 plies.
   10.00–20–22, 12 plies.
   11.00–20–22, 12 plies.
   Constructions: S–4, S–5, S–6, and S–7.
   Orders: Civilian only.
10. Synthetic truck and bus tires including only:
    Tread Types: Standard Highway, Mud-Snow.
    Sizes: 10.50 and up, 10 plies and more.
    Constructions: S–4 and S–6.
    Orders: Government and Civilian.
11. Synthetic special purpose tires including:
    Tread Types: Rock Service, Logger, Earthmover, and 18.00 and up Mud-Snow.
    Sizes: All.
    Constructions: S–4, S–5, S–6 and S–7.
    Orders: Government and Civilian.
12. Synthetic truck and bus tires including only:
    Tread Types: Standard Highway, Mud-Snow.
    Sizes: 7.00 and 7.50, 10 plies.
    Construction: S–3 and S–4.
    Orders: Government and Civilian.
13. Synthetic truck and bus tires including only:
    Tread Types: Standard Highway, Mud-Snow.
    Sizes: 14.00–20–24, 18 plies.
    Construction: S–4, S–5, S–6 and S–7.
    Orders: Civilian only.
14. V-Belts.
15. Tire repair materials made from scrap rayon cord friction materials resulting from the manufacture of products listed above.

(b) All available rayon for a given allocation period will be allocated in accordance with the order of preference in the above usage pattern, full allocations being made for total industry requirements for the first group before any allocations are made for the second group, and so on down the list until the entire supply of rayon available for that period has been allocated.

(c) Any person to whom rayon is allocated must consume it in the order of preference in the above usage pattern, arranging to fulfill all requirements in the first group before any is used in the second group, and so on down the list.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64)

Issued this 10th day of February 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–2374; Filed, Feb. 10, 1945; 11:19 a. m.]

PART 4600—RUBBER, SYNTHETIC RUBBER, BALATA AND PRODUCTS THEREOF

[Rubber Order R–1, Revocation of Direction 5]

Direction 5, issued December 13, 1944, to Order R–1 is revoked, effective February 15, 1945. On and after that date it is superseded by List 32, as amended effective February 15, 1945, Appendix II, Rubber Order R–1, Amendment No. 1.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024; 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64)

Issued this 10th day of February 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–2375; Filed, Feb. 10, 1945; 11:19 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–715]

TAYLOR MILLING CORP.

Taylor Milling Corporation of 1520 San Fernando Road, Los Angeles, California, is a corporation engaged in the business of manufacturing poultry and dairy feed and supplying raw materials to the trade. During the period from January 1, 1943, to March 31, 1944, it consumed 65,492 gallons of molasses in excess of its allowable quota for that period in violation of War Production Board General Preference Order No. M–54. This excessive use of molasses has interfered with the controls established by the War Production Board for the allocation of critical materials. In view of the foregoing, it is hereby ordered, that:

§ 1010.715 *Suspension Order No. S–715.* (a) Taylor Milling Corporation, its successors and assigns, unless hereafter otherwise specifically authorized in writing by the War Production Board, shall reduce its receipts of and consumption of molasses during the calendar year 1945 in the amount of 65,492 gallons below its allowable quota under War Production Board General Preference Order M–54 to the extent of at least 5,953 gallons per month beginning with the month of February 1945.

(b) Nothing contained in this order shall be deemed to relieve Taylor Milling Corporation, its successors or assigns, from any restriction, prohibition or provisions contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall expire on December 31, 1945, or at such earlier time as the reduction provided for in paragraph (a) hereof shall have been made.

Issued this 10th day of February 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–2419; Filed, Feb. 10, 1945; 4:32 p. m.]

PART 904—PROCUREMENT

[Directive 2, as Amended Feb. 10, 1945]

PLACING WAR CONTRACTS BY NEGOTIATION

Pursuant to the authority vested in me by Executive Order No. 9024 of January 16, 1942, and Executive Order No. 9040 of January 24, 1942, the following policies and procedures are prescribed for all departments and agencies now or hereafter authorized by the President to exercise the powers set forth in Title II, Section 201 of the First War Powers Act, 1941 (Public Law No. 354, 77th Congress).

§ 904.1 *Directive No. 2* (a) Except as hereinafter provided, all such departments and agencies shall place contracts relating to war procurement by negotiation. The principle of negotiation makes possible maximum efficiency in the use of overall national resources including manpower, materials, and money, as well as individual plant capacity. Therefore, negotiation shall be so conducted that the full strength of the nation will be realized through the coordination, proper evaluation and efficient use of resources and plant capacity. Negotiation as used in this directive may include not only face-to-face dealings, but also purchasing by securing informal written bids or telephone quotations. Where consistent with the required speed of war procurement, notification of the proposed procurement shall be given to a reasonable number of qualified contractors and quotations secured from them.

(b) In negotiating contracts relating to war procurement and revising war procurement programs the following considerations shall govern:

(1) *Deliveries.* Primary emphasis shall be upon securing deliveries or performance at the times required by the war program. The objective is to insure delivery in time to avoid delays in the war programs, but to avoid creation of unnecessary inventories.

(2) *Manpower.* Subject to the requirement of delivery, it shall be the policy of all war procurement departments and agencies to avoid contracting for the production of items or materials in commmunities or areas in which labor shortages are known to exist, whenever it is practical to procure the needed items or materials elsewhere. The classification of labor market areas by the War Manpower Commission shall be relied upon by the war procurement departments and agencies in carrying out these policies. No contract will be placed in an area designated by the War Manpower Commission as a Group 1 Labor Area when additional labor over the ceiling currently established by the War Manpower Commission will be required for the performance of the contract without prior approval of the Production Urgency Committee in the area involved; when no additional labor over such ceiling is required to perform the contract, no prior approval is necessary, but if the contract is in the amount of One Hundred Thousand Dollars ($100,000) or more, the appropriate Production Urgency Committee will be notified of the intended placement at least seven days before such placement, unless this will unduly delay production, in which case the notification will be made as soon before placement as practicable.

(3) Subject to the requirements of delivery and avoidance of areas of labor shortage, war procurement departments and agencies shall give due weight to the following factors for the purpose of making the most effective utilization of the national resources:

Cost and efficiency. Placement of war contracts so as to incur the lowest pos-

sible cost to the Government consistent with the economic use of man hours and raw materials. Insofar as possible, contracts should provide the maximum incentive to the producer for the reduction of his costs.

Small business concerns. War procurement contracts shall be placed so as to make the most effective utilization of small plants of the nation, in accordance with the declared policy of Congress (Public Law No. 603, 77th Congress). In order to carry out this policy, war procurement departments and agencies shall give as large a proportion of awards as practicable to qualified small concerns, directly if feasible and, if not, through awards to larger firms which will subcontract to small concerns. To achieve these objectives, payment of a reasonable premium to small plants is authorized where such plants have higher unit costs.

Conservation of special abilities. Conservation for the more difficult war production problems, the resources of concerns best able, by reason of engineering, managerial and physical resources, to handle them. Accordingly, contracts for items which involve relatively simple production problems shall be placed with concerns, normally the smaller ones, which are less able to handle the more difficult war production problems.

New facilities. Avoidance, so far as possible, of the need to create additional new (as distinguished from existing) machinery, equipment or facilities.

Transportation. Placement of war procurement contracts in such a way as to accomplish worth-while savings in the use of transportation facilities.

(c) War procurement departments and agencies are hereby authorized to pay higher prices than would otherwise be required to the extent necessary to put into effect any or all of the policies stated in (b).

(d) Authority to depart from these policies may, upon specific request, be granted by the Director of the Procurement Policy Division of the War Production Board, or by such person or persons as he may designate for this purpose.

Issued this 10th day of February 1945.

J. A. KRUG,
Chairman.

[F. R. Doc. 45-2416; Filed, Feb. 10, 1945; 4:37 p. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Gen. Conservation Order M-310, Revocation of Gen. Direction 1]

General Direction 1 to *General Conservation Order M-310* is hereby revoked. This revocation does not affect any liability accrued under the direction.

Issued this 12th day of February 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-2449; Filed, Feb. 12, 1945; 11:30 a. m.]

PART 3290—TEXTILE CLOTHING AND LEATHER

[General Conservation Order M-310, General Direction 13]

CUTTING OF MANUFACTURERS'-BENDS-FOR-REPAIR

The following direction is issued pursuant to General Conservation Order M-310:

Notwithstanding the provisions of Schedule B, no cutter shall cut any manufacturers'-bends-for-repair which are delivered to him during the period from February 12, 1945, to March 31, 1945 under individual Direction L-114 to M-310 (issued to tanners) except into leather for civilian shoe repair purposes. Only manufacturers'-bends-for-repair delivered under invoices bearing substantially the following notation shall be regarded as having been delivered under Direction L-114:

Delivered under Direction L-114 to Order M-310.

No cutter shall cut more than 30% of these bends into strips, and no strip shall exceed eleven inches. The remainder of the bends shall be cut into taps suitable for women's shoes.

Issued this 12th day of February 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-2450; Filed, Feb. 12, 1945; 11:30 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 92]

MATCHES

§ 3293.1092 *Schedule 92 to General Allocation Order M-300*—(a) *Introduction.* This schedule places matches under direct allocation control with respect to deliveries by match manufacturers, and under indirect control through purchase order certificates until the matches reach purchasers for whom special allocations have been made. Matches for civilian use will generally be released for distribution through trade channels without certification or other control. Preference ratings are not effective on orders for matches.

Distributors who buy matches for resale may receive and redeliver matches without certifying their purchase orders or applying for authorization. However, if a distributor wishes to have his order for matches preferred because he will resell on "military orders" or "export orders", he must certify on his purchase order that the matches will be resold only on such special orders. Also, in order to obtain matches which have been allocated from match manufacturers for special purposes, a distributor must certify his order for the specified purpose and redeliver accordingly.

An ultimate consumer may receive and use matches without restriction under this schedule.

The requirements of Order L-263, which apply to match manufacturers and distributors, remain in effect and are not affected by this schedule.

(b) *Definitions.* (1) "Match" means any type of match, including but not limited to strike-on-box matches, strike-anywhere matches, book matches and nought-size matches.

(2) "Military order" means a purchase order for matches which are to be delivered to, or incorporated in items to be delivered to, the United States Army, Navy, Coast Guard, Maritime Commission, War Shipping Administration, Panama Canal, Office of Scientific Research and Development, Veterans' Administration or any government agency pursuant to the Act of March 11, 1941 (Lend-Lease Act.) The term "military order" shall not include any order for a military exchange or service department unless clearly identified on its face as coming within the definition of "overseas order" under Priorities Regulation 17.

(3) "Export order" means an order for matches for export out of the United States, its territories and possessions, but shall not include orders for shipment to the Dominion of Canada or any "military order" as defined above.

(c) *General provisions.* (1) Matches are subject to the provisions of General Allocation Order M-300 as Appendix B materials. The initial allocation date is March 1, 1945. The allocation period is the calendar month.

(2) A match manufacturer shall deliver matches only as specifically authorized in writing by the War Production Board.

(3) A person who is not a match manufacturer and who obtains matches without filing a certified statement with his purchase order, may receive and use or redeliver matches without restriction under this schedule.

(4) A person who files a certified statement of ultimate use with a purchase order shall deliver matches received on the order only for the purpose certified. This means that matches received on a certified order may be delivered only on orders which are similarly certified, or on orders which on their face conform with the certification. Application to the War Production Board for authorization to deliver the matches shall not be required if delivery is to be made for the certified purpose but is required for delivery for any purpose not covered by the certification.

(5) The War Production Board may from time to time allocate aggregate quantities of matches for specified essential purposes. A match manufacturer receiving such an allocation shall deliver the matches only on orders which have been certified to conform with the allocation, or on purchase orders from the ultimate purchaser which on their face conform with the allocation. If the matches are sold through intermediate distributors the provisions of paragraph (c) (4) above require a chain of certifications until the matches are distributed in accordance with the allocation.

(6) The provisions of Order M-300 regarding "use" as distinguished from "delivery", shall not be applicable to matches.

(7) Preference ratings shall not be applicable to purchase orders for matches. However, no match manufacturer shall make an authorized delivery in the following class (ii) which would delay or prevent completion of an authorized delivery in the following class (i), or make

an authorized delivery in the following class (iii) which would delay or prevent completion of an authorized delivery in the following class (i) or class (ii):

(i) Deliveries against "military orders" specified individually in an allocation;

(ii) Deliveries against "export orders" or other orders covered by special allocation for specific purposes (excluding "military orders" as defined in this schedule but including military exchange and service department orders which are not "overseas orders" under Priorities Regulation 17);

(iii) Deliveries pursuant to allocation for all other orders.

(d) *Suppliers' applications on WPB-2947.* (1) Each match manufacturer seeking authorization to deliver matches shall file application on Form WPB-2947.

(2) Filing date is the 15th day of the month before the allocation period. File separate sets of forms for each different type of match and specify the type of match in the heading. Send three copies (one certified) to the War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-92. The unit of measure is cases.

(3) Fill in Table I as indicated. In the case of "military orders" list the name of the customer, contract and requisition number, procurement office, and the quantity requested on each order. In the case of "export orders" list name of customer (and name of exporter, if not a direct sale), country of destination, and export license number. In the case of all other customers an aggregate quantity may be requested without specifying customers' names or the proposed use. The War Production Board may add to the form an allocation for particular customers or classes of customers to meet essential emergency demands.

(e) *Certified statements of ultimate use.* (1) No person is required to file a certified statement of proposed ultimate use with any purchase order. However, a purchase order for matches shall be treated as "military order", "export order" or other order for special purposes for which an allocation has been made or for which matches have been received on certification, only if (i) the order is certified accordingly, or (ii) certification is unnecessary because the order on its face conforms with the controlling allocation or certification.

(2) When an order is certified as a "military order" the certification must specify the procurement office, the contract and requisition numbers and the quantity requested on each contract. When an order is certified as an "export order" the certification shall specify the name of the exporter, the country of destination, the export license number or UNRRA requisition number and the quantity requested under each license number. If the matches are not ordered directly from the match manufacturer this information must be transmitted by certification through the intermediate distributors to the match manufacturer.

(3) Statements of proposed ultimate use of matches shall be followed by the certification "Use certified, Ref: M-300" and shall be duly signed (as prescribed in Appendix D of Order M-300).

(f) *Applicability of L-263.* Notwithstanding the provisions of this schedule, or any actions taken hereunder, no person shall produce, package, deliver, receive, order or use matches in a manner prohibited by Limitation Order L-263.

(g) *Budget Bureau approval.* The above reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(h) *Communications to War Production Board.* Communications concerning this schedule shall be addressed to War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-92.

Issued this 12th day of February 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-2448; Filed, Feb. 12, 1945; 11:30 a. m.]

PART 3293—CHEMICALS

[Allocation Order M-370, as Amended Feb. 12, 1945]

CHROME PIGMENTS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of chrome pigments for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

Definitions

§ 3293.611[2] *Allocation Order M-370*—(a) *Meaning of certain terms.* (1) "Chrome pigments" means Class A and Class B pigments as defined herein.

(2) "Class A pigments" refers to C. P. chrome yellow, C. P. chrome orange, C. P. chrome green, C. P. molybdate chrome orange, and C. P. hydrated chromium oxide. The term includes substandard and extended pigments and dry and wet dispersions of these pigments calculated on a C. P. (commercially pure) color basis.

(3) "C. P. chrome yellow" and "C. P. chrome orange" mean the pigments which are reaction precipitates consisting of normal or basic lead chromates or mixtures of these with or without other insoluble compounds of lead—Color Index 1270.[1]

(4) "C. P. chrome green" means a pigment consisting of a precipitated mixture of C. P. chrome yellow—Color Index 1270[1]—and C. P. iron blue—Color Index 1288.[1]

(5) "C. P. molybdate chrome orange" means a mixed crystal containing lead chromate, lead molybdate, and lead sulfate with or without other insoluble compounds of lead.

(6) "C. P. hydrated chromium oxide" means a pigment approximately conforming to the formula $Cr_2O(OH)_4$—Color Index 1292.[1]

(7) "Class B pigments" refers to C. P. chromium oxide green and C. P. zinc chromate. The term includes substandard and extended pigments and dry and wet dispersions of these pigments calculated on a C. P. (commercially pure) color basis.

(8) "C. P. chromium oxide green" means a pigment approximately conforming to the formula Cr_2O_3—Color Index 1291.[1]

(9) "C. P. zinc chromate" means a pigment manufactured as a reaction product of soluble chrome chemicals and a suitable zinc compound-Color Index 1271.[1] The term includes the pigment known as zinc tetroxy chromate (ZTO).

(10) "Exempt order" means any purchase order for Class A pigments which:

(i) Are to be delivered to, or used on or incorporated in material or equipment to be delivered to, the United States Army, Navy, Veterans Administration, Marine Corps, Coast Guard, Maritime Commission, the War Shipping Administration, Bureau of Engraving and Printing, United States Government Printing Office, the Government of Canada, or to or for the account of any foreign country pursuant to the Act of March 11, 1941 (Lend-Lease Act); or

(ii) Are to be used in the manufacture of any product (except printing ink and crayons) to be delivered to, or used on or incorporated in material or equipment to be delivered to, the United States Army, Navy, Veterans Administration, Marine Corps, Coast Guard, Maritime Commission, the War Shipping Administration, Bureau of Engraving and Printing, United States Government Printing Office, the Government of Canada, or to or for the account of any foreign country pursuant to the Act of March 11, 1941 (Lend-Lease Act).

The term also includes purchase orders for Class A pigments for the manufacture of (i) paint required exclusively for use in the marking of obstructions to aerial navigation and for delineation and identification of ground aids for aerial navigation in conformity with the requirements of, or in fulfillment of orders of, the Civil Aeronautics Administration or the Federal Communications Commission; and (ii) marine paints which in turn are to be used for maintenance, repair, and operating supplies in accordance with paragraph (d) (2) of Preference Rating Order P-65.

(11) "Exempt use" means only those end uses described in paragraph (a) (10) for Class A pigments purchased on exempt orders.

(12) "Quota order" means any purchase order for Class A pigments that is not an exempt order as defined above.

(13) "Quota uses" means any end use of Class A pigments that is not an "exempt use" as defined above.

NOTE: Subparagraph (12), formerly (11), and subparagraphs (14) through (20), formerly (12) through (18), redesignated Feb. 12, 1945.

(14) "Printing ink" includes any fluid or viscous material or composition of

[1] Society of Dyers and Colourists "Colour Index", Bradford, Yorkshire, January 1924.

[2] Formerly § 3293.586.

materials used in printing, impressing, stamping or transferring upon paper or paper-like substances, wood, fabrics (including awnings) or metals by the recognized mechanical reproductive processes employed in printing, publishing and related service industries.

(15) "Crayons" includes any solid chalk, wax, or resin composition with pigments (including extenders) used for writing or marking by means of pressure and friction. This does not include coatings for crayons.

(16) "Pigment quota" means the total amount of Class A pigments which any consumer may use or acquire in any calendar quarter for "quota uses". This total amount includes all Class A pigments used or acquired for "quota uses" in a calendar quarter, irrespective of whether the pigments belong to someone else or are acquired, used or processed under toll arrangement for the person owning the pigments. The Table in Appendix D shows how to determine this pigment quota for the particular uses involved.

(17) "Producer" means any person engaged in the production of chrome pigments.

(18) "Distributor" means any person who buys chrome pigments for the purpose of resale.

(19) "Supplier" means a producer or distributor.

(20) "Consumer" means any person who uses chrome pigments.

Restrictions on Class A Pigments: Chrome Yellow, Chrome Orange, Chrome Green, Molybdate Chrome Orange, Hydrated Chromium Oxide

(b) *Inapplicability of preference ratings.* No person shall apply, extend, or give any effect to any preference rating heretofore or hereafter assigned, applied or extended for the delivery of Class A pigments.

(c) *Exempt orders; certification required.* Any person may, without authorization of the War Production Board (i) deliver Class A pigments to fill an "exempt order", or (ii) accept delivery of Class A pigments for "exempt uses" or to replace the total quantity of Class A pigments which was withdrawn from inventory for "exempt uses", but which had not been originally acquired for "exempt uses": *Provided*, That the person accepting delivery furnishes to the person making the delivery, the Exempt Order Certification set forth in Appendix C. (The standard certification described in Priorities Regulation No. 7 may not be used instead.) There are no quantity restrictions on Class A pigments which may be consumed for "exempt uses." No person engaged in the business of manufacturing printing ink or crayons may use the Exempt Order Certification for any purchase order for Class A pigments which are to be used by him for the manufacture of printing ink or crayons for sale.

(d) *Quota orders; delivery restrictions and certification.* No consumer shall accept delivery of Class A pigments in any calendar quarter for "quota uses" in excess of his "pigment quota" set forth in Appendix D unless War Production Board shall otherwise specifically authorize pursuant to application on Form WPB–2945. No supplier shall deliver Class A pigments to a consumer to fill "quota orders" unless the consumer furnishes the supplier with the Quota Order Certification set forth in Appendix C, or unless the supplier is specifically authorized by War Production Board on Form WPB–2946 to make the delivery. (The standard form of certification described in Priorities Regulation No. 7 may not be used instead.) This provision governs the total quantity of Class A pigments which a consumer may acquire in any calendar quarter for "quota uses." Paragraph (g) of this Order M–370 contains one further provision with which a consumer must comply when accepting delivery of Class A pigments for both "quota uses" and "exempt uses." Paragraph (g) states an inventory restriction which controls the quantity of Class A pigments which a consumer may acquire at any one time within a calendar quarter.

If for any reason a supplier is unable to ship Class A pigments to a consumer during the calendar quarter for which such pigments were ordered, he may make such shipment at any time within the first 21 days of the following calendar quarter and the consumer may accept such shipment, without authorization of the War Production Board. Shipment and acceptance of such a shipment shall be considered to be a delivery made and accepted during the calendar quarter for which it was ordered.

(e) *Quota uses, quantity restrictions on use of Class A pigments.* No consumer shall use Class A pigments in any calendar quarter for "quota uses" in excess of his "pigment quota" set forth in Appendix D, unless War Production Board shall otherwise specifically authorize pursuant to application on Form WPB–2945.

(f) *Exceptions to restrictions of paragraph (d).* The restrictions in paragraph (d) shall not apply to the delivery (or acceptance of delivery) of Class A pigments:

(1) To a laboratory in quantities not exceeding five pounds per month for chemical reagent purposes, or

(2) To consumers at retail in containers not exceeding one pound of C. P. pigment content for any use.

(g) *Consumer's inventory restrictions.* No consumer shall accept any single delivery of Class A pigments which shall result in his having an inventory of such pigments:

(1) For "exempt uses", in excess of that quantity of Class A pigments which he will be required to use within the next sixty days in order to meet delivery dates under existing contracts; and

(2) For "quota uses" in excess of 2,000 pounds or his "pigment quota" as set forth in Appendix D (whichever is the greater) unless he shall have been otherwise specifically authorized by War Production Board, pursuant to application made by letter addressed to the Chemicals Bureau, Washington 25, D. C., Ref: M–370, setting forth the reasons why he needs to exceed the inventory restrictions.

Restrictions on Class B Pigments: Chromium Oxide Green, Zinc Chromate

(h) *Deliveries and use of Class B pigments.* No person shall deliver, accept delivery of, or use, Class B pigments except as specifically authorized by War Production Board, pursuant to applications filed on Forms WPB–2946 and WPB–2945 respectively.

(i) *Exception for small deliveries of Class B pigments.* No supplier may deliver in any calendar month more than the aggregate quantity of Class B pigments authorized by the War Production Board for small deliveries, as described below. In any calendar month, no consumer may use from inventory, or accept delivery from all sources and use, more than 25 pounds of chromium oxide green, and more than 50 pounds of zinc chromate without authorization from the War Production Board. These quantities of Class B pigments may be used or acquired for any purpose, except for resale, and they may be used or acquired in addition to any quantity specifically authorized (allocated) by the War Production Board for that month. No consumer may use or acquire more than these quantities of Class B pigments in any calendar month without authorization of the War Production Board, irrespective of whether these pigments belong to someone else and are acquired, used or processed under toll arrangement for the person owning the pigments.

Authorization Procedure for Chrome Pigments

(j) *How the consumer obtains authorization.* When War Production Board authorization to use or accept delivery of chrome pigments is necessary under paragraphs (d) (e) or (h) of this order, the procedure is as follows:

(1) *Use and acquisition of Class A pigments in excess of pigment quotas.* Each person desiring to use from inventory, or accept delivery for use in any calendar quarter of Class A pigments in excess of his "pigment quota" set forth in Appendix D, shall file with the Chemicals Bureau, War Production Board, Washington 25, D. C., three copies of Form WPB–2945 (formerly PD–600) on or before the 5th day of the second month of that calendar quarter. If the application is for permission to accept delivery applicant should send one copy of Form WPB–2945 to his supplier. War Production Board will return to the applicant one copy of Form WPB–2945 on which will be indicated the quantity of chrome pigments which may be used or acquired in excess of his "pigment

quota". Instructions for filling out this form are set forth in Appendix A.

(2) *Use and acquisition of Class B pigments in addition to small deliveries exception.* Each person desiring to use from inventory or accept delivery of and use Class B pigments in addition to the permitted small deliveries, shall file with the War Production Board, Chemicals Bureau Washington 25, D. C., three copies of Form WPB–2945, on or before the 5th day of the month preceding the month in which delivery or use is requested. If the application is for permission to accept delivery, applicant should send one copy of Form WPB–2945 to his supplier. War Production Board will return to the applicant one copy of Form WPB–2945 on which will be indicated the quantity of chrome pigments which may be used or acquired. Instructions for filling out this form are set forth in Appendix A.

(k) *How the supplier obtains authorization.* When War Production Board authorization to deliver chrome pigments is necessary under paragraphs (d) and (h) of this order, the procedure is as follows:

(1) *Class A pigments in excess of pigment quota.* Each supplier desiring authorization to deliver Class A pigments in any calendar quarter to a customer in excess of that customer's pigment quota, for that calendar quarter, shall file three copies of Form WPB–2946 (formerly PD–601) with the Chemicals Bureau, War Production Board, Washington 25, D. C., on or before the 15th day of the second month of that calendar quarter. Instructions for filling out this form are set forth in Appendix B. One copy of Form WPB–2946 will be returned to the supplier on which War Production Board will indicate the quantities of chrome pigments which may be delivered.

(2) *Class B pigments.* Each supplier desiring to deliver Class B pigments shall file three copies of Form WPB–2946 with the Chemicals Bureau, War Production Board, Washington 25, D. C., on or before the 15th day of the month before the month in which delivery is requested. Instructions for filling out this form are set forth in Appendix B. One copy of Form WPB–2946 will be returned to the supplier on which War Production Board will indicate the quantities of chrome pigments which may be delivered.

General Provisions

(l) *Special directives.* War Production Board may from time to time issue special directives to any person with respect to the delivery and use of chrome pigments, notwithstanding the other provisions of this order.

(m) *Changes in "pigment quota."* War Production Board may from time to time make whatever changes it may deem necessary in the "pigment quota" for Class A pigments.

(n) *Reports where allocated material is not ordered.* If any purchaser does not place a purchase order and also give shipping instructions to the seller before the end of the allocation period for the entire quantity of chrome pigments allocated to him, he must report to the War Production Board, Washington 25, D. C., by letter, within ten days after the allocation period, stating the amount of allocated quantity of chrome pigments which he did not purchase and the reasons why he did not purchase the full amount allocated. The supplier of such customer shall also notify the War Production Board, Washington, D. C., within ten days after the allocation period of the name of such customer and the amount of the allocated quantity of chrome pigments which that customer did not purchase. For the supplier's convenience in reporting, it is suggested that he make one additional copy each month of his Form WPB–2946 and within ten days after the allocation period covered by that form, insert in Column 10, under remarks opposite the name of customer, the amount of the allocated quantity which the customer did not purchase and then send this copy to the War Production Board. This suggestion is optional; the supplier may report by letter if he prefers.

(o) *Approval of Bureau of the Budget.* The reporting provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(p) *Applicability of regulations.* Except as provided in paragraph (b) above, this order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(q) *Duration of authorization of Class B pigments.* If it is not practicable for a supplier to make all deliveries of Class B pigments in the allocation period for which the deliveries have been specifically authorized, he may complete them as early as practicable in the next allocation period, but the purchaser must place his order and give shipping instructions to the seller before the end of the allocation period. The purchaser may not require postponement of delivery beyond ten days after the allocation period. Specific authorization to use Class B pigments shall be valid for forty-five days after receipt of the authorization or of the material allocated for the particular use, whichever is later. Whatever Class B pigments are not used in this period for the purpose authorized, may not be used for any other purpose until further authorized or directed by the War Production Board.

(r) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(s) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M–370.

Issued this 12th day of February 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A—INSTRUCTIONS FOR FILING APPLICATIONS ON FORM WPB 2945 (FORMERLY PD–600) FOR SPECIFIC AUTHORIZATION TO USE OR ACCEPT DELIVERY OF CHROME PIGMENTS

1. *Form WPB 2945.* Copies of Form WPB 2945 may be obtained at local field offices of the War Production Board.

2. *Who should file.* Specific authorization of the War Production Board is required for any consumer to use or acquire Class A pigments in any calendar quarter for "quota uses" in excess of his "pigment quota", and for any distributor or consumer to use or acquire Class B pigments in excess of the small order exemption. Any producer requiring authorization to use a part or all of his production of Class B pigments or of Class A pigments in excess of his "pigment quota," shall file application on Form WPB 2945 in the same manner.

3. *Number of sets.* Applications shall be made on separate forms for each separate supplier of chrome pigments, and separate applications shall be submitted for each delivery destination. Separate forms shall also be filed for (a) Class A pigments, (b) chromium oxide green, and (c) zinc chromate.

4. *Number of copies of each set.* Five copies shall be prepared, of which one copy shall be retained by the applicant, one shall be forwarded to the supplier (reverse side left blank), and three copies (one certified) shall be forwarded to the War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M–370.

5. *Special instructions for filling out form.* Follow the instructions on the form except when they conflict with the specific instructions given below:

Heading. Under "Name of chemical", specify "Chrome pigments" and below it "Class A pigments", or "chromium oxide green" or "zinc chromate" whichever is the case; under "WPB Order No.", specify "M–370"; under "Unit of measure", specify "Pounds"; and otherwise fill in as indicated.

Table I. Specify in the heading the quarter or month and year for which authorization for use or acceptance of delivery is sought for both Class A and Class B pigments respectively.

Column 1. Specify grade or type of chrome pigment in terms of producer's trade-mark for the product.

Column 2. Specify the quantity in pounds on a C. P. color basis. Enter only the amount required for production during the allocation period for which this application is made.

Column 3. Specify primary product in terms of the following:

Coated fabric, crayons, floor coverings, granules, kalsomine, leather, metallurgical, paint, paper, plastics, printing ink, rubber, shade cloth, water paint, export, resale, inventory, all other (specify).

Orders on hand should be listed separately from anticipated orders and in both cases the primary product should be specified.

Column 4. Opposite each primary product, specify ultimate end use. In the case of military orders for Class B pigments, specify contract and specification numbers. If the pigment is to be incorporated in a primary product described in WPB I–217 (Primary Products & End Use List, prepared by the Protective Coating Section, Chemicals Bureau, War Production Board), its end use should be defined by the symbols listed in WPB I–217. Orders on hand should be listed separately from anticipated orders and the

above end use information given for both except that in the case of anticipated orders, contract numbers are unnecessary.

If "export" is listed in Column 3, specify opposite it in Column 4 the country of destination. If shipment is for Lend-Lease, specify the Lend-Lease contract or serial number. If the exportation is not for Lend-Lease or for shipment to Canada, Form WPB 2945 must first be sent to the Foreign Economic Administration together with application for an export license. If the export license is granted, the Foreign Economic Administration will then affix the export license number to the Form WPB 2945 and forward it to the War Production Board.

If "Resale" is listed in Column 3, suppliers shall write opposite in Column 4 "upon further authorization" or "for small order exemption". If "Inventory" is listed in Column 3, write opposite it in Column 4 "to hold subject to further authorization".

Column 10. Leave blank for Class B pigments. In the case of Class A pigments in excess of "pigment quota", specify the total quantity of all Class A pigments (on a C. P. color basis) acquired in 1941.

Table II. Fill in as indicated for Class B pigments. For Class A pigments, fill in only Columns 15–C and 16.

Table III. Fill in only for Class B pigments. List in this table all authorizations previously requested for acceptance of delivery from other suppliers for the same month, irrespective of whether purchase orders have been placed with those suppliers. If this is an interim application (as distinguished from a regular application which is filed on the 5th of the month), indicate in Table III authorizations previously requested for acceptance of delivery from the same supplier during the same month in addition to requested authorizations for acceptance of delivery from other suppliers. If there are no other suppliers, specify "None".

APPENDIX B—INSTRUCTIONS FOR FILING APPLICATION OF FORM WPB 2946 (FORMERLY PD-601) FOR SPECIFIC AUTHORIZATION TO DELIVER CHROME PIGMENTS

1. *Form WPB 2946.* Copies of Form WPB 2946 may be obtained at local field offices of the War Production Board.

2. *Who should file.* Specific authorization of War Production Board is required for any person to deliver Class A pigments in excess of "pigment quota" to fill "quota orders", and to deliver Class B pigments.

3. *Number of separate sets.* Separate sets shall be filed for (a) Class A pigments, (b) Chromium oxide green, and (c) Zinc chromate.

4. *Number of copies of each set.* Prepare an original and three copies. File original and two copies with the War Production Board, Chemicals Bureau, Washington 25, D. C., Reference M-370, retaining the third copy for your files.

5. *Special instructions for filling out forms.* Follow the instructions on the form except where they conflict with the specific instructions given below:

Heading. In the heading under "Name of chemical", specify "Chrome pigments" and below it "Class A pigments", or "Chromium oxide green", or "Zinc chromate", whichever is the case; under "WPB Order No.", specify "M-370"; indicate month and year under which deliveries are to be made; under "Unit of measure", specify "Pounds"; and check whether you are producer or distributor. The address of plant or warehouse from which shipments are to be made need not be given nor need a separate form be filed for each plant or warehouse.

Column 1. Class A Pigments. List names of customers who apply on Form WPB 2945 for Class A pigments for delivery during the particular calendar quarter.

Class B pigments (chromium oxide green and zinc chromate). List the names of customers who have applied on Form WPB 2945 for material to be delivered during the following month. If it is necessary to use more than one sheet to list customers, number each sheet in order and show grand total for all sheets on last sheet, which is the only one that need be certified. Small deliveries of Class B pigments should be estimated. Fill in the aggregate amount of such deliveries; do not list the name of each customer. A producer requiring permission to use a part or all of his own production of Class A pigments in excess of his "pigment quota" or of Class B pigments in excess of his own small order exemption, shall list his own name as a customer in Column 1, specifying the quantity required.

Column 2. In Column 2 (except for "small deliveries" of Class B pigments as explained above), specify delivery destination.

Column 5. Column 5 may be filled in, but it is optional.

Column 6. Leave Column 6 blank.

Table II. This table need not be filled in for Class A pigments. In the case of Class B pigments, each producer shall fill in Columns 8, 9, 10, 11, 12, 13 and 15. In Column 14, state approximate production capacity. Distributors need only fill in Columns 8, 10, 12 and 15 for Class B pigments.

APPENDIX C

A certificate in substantially the following form, either signed manually or as provided in Priorities Regulation No. 7, is required for delivery of "exempt orders" for Class A pigments, pursuant to paragraph (c) of Order M-370. A purchase order number of one of the government agencies specified in paragraph (a) (10) of Order M-370 may be stated on the certificate in place of the contract number. If the Class A pigments are to be used for the manufacture of marine paints controlled by Order P-65, which paints are to be used for maintenance, repair or operating supplies in accordance with paragraph (d) (2) of Order P-65, specify merely "P-65 Marine Paints" in place of "Contract Nos.". If the Class A pigments are to be used in the manufacture for prescribed Civil Aeronautics Administration or Federal Communications Commission use as defined in paragraph (a) (10) of Order M-370, merely state "CAA (or FCC) prescribed use" in place of "contract number".

EXEMPT ORDER CERTIFICATION

The undersigned hereby certifies to the War Production Board and to _____ (insert name and address of supplier) that he is familiar with the provisions of Order M-370, and that his Purchase Order No. ____, dated _____, is an "exempt order" or is for replacement of inventory consumed for "exempt uses" as defined in Order M-370, and bear Contract Nos. _____. The undersigned further certifies that acceptance of delivery of the chrome pigments covered by this purchase order will not increase his inventory in excess of the limits set forth in paragraph (g) of Order M-370.

_____
Name of purchaser

_____
Date

By_____
Signature and title of duly authorized official

A certificate in substantially the following form, either signed manually or as provided in Priorities Regulation No. 7, is required for delivery of all "quota orders" for Class A pigments not authorized on Form WPB-2946, as provided in paragraph (d) of Order M-370:

QUOTA ORDER CERTIFICATION

The undersigned hereby certifies to the War Production Board and to _____ (insert name and address of supplier) that he is familiar with the provisions of Order M-370, and that acceptance of delivery of the Class A pigments listed on his purchase order, No._____, dated_____, will not exceed his "pigment quota" for the current calendar quarter, 194__, and will also not increase his inventory in excess of the limits set forth in paragraph (g) of Order M-370.

_____
Name of purchaser

By_____
Signature and title of duly authorized official

APPENDIX D—PIGMENT QUOTAS—CLASS A PIGMENTS

The table set forth below shows the total amount of Class A pigments you may acquire or consumed in a calendar quarter for "quota uses." You have a different quota for pigments acquired or used for the manufacture of printing ink and crayons than for the manufacture of all other products. At the present time, there are only three classes of products listed. Opposite each, in the second column, is the quota of Class A pigments which you may acquire in any calendar quarter to make that class of product. (The quantity of Class A pigments which a producer used of his own production of those pigments in 1941 for the manufacture of that class of product, shall be considered as having been acquired by him in 1941 for the manufacture of that class of product.) The third column shows the quota of Class A pigments which you may use in any calendar quarter to make that class of product.

You may not exceed these quotas without obtaining authorization from War Production Board.

TABLE FOR DETERMINING APPLICABLE PIGMENT QUOTA

Product to be manufactured	Quota of Class A pigments which may be acquired in a calendar quarter	Quota of Class A pigments which may be used in a calendar quarter	Quantity of Class A pigments which may be used or acquired to fill exempt orders
Printing ink	300 lbs. or 12½% of total Class A pigments acquired by the particular consumer in 1941 (whichever is the greater) for the manufacture of printing ink.	300 lbs. or 12½% of total Class A pigments acquired by the particular consumer in 1941 (whichever is the greater) for the manufacture of printing ink.	None.
Crayons	300 lbs. or 12½% of total Class A pigments acquired by the particular consumer in 1941 (whichever is the greater) for the manufacture of crayons.	300 lbs. or 12½% of total Class A pigments acquired by the particular consumer in 1941 (whichever is the greater) for the manufacture of crayons.	None.
All other products	300 lbs. or 6¼% of total Class A pigments acquired by the particular consumer in 1941 (whichever is the greater) for the manufacture of all other products.	300 lbs. or 6¼% of total Class A pigments acquired by the particular consumer in 1941 (whichever is the greater) for the manufacture of all other products.	Unlimited.

[F. R. Doc. 45-2451; Filed, Feb. 12, 1945; 11:30 a. m.]

PART 4600—RUBBER, SYNTHETIC RUBBER, BALATA AND PRODUCTS THEREOF

[Rubber Order R-1, Amdt. 2 to Appendix II, as Amended, Nov. 9, 1944]

Rubber Order R-1, Appendix II is amended by adding the following list:

LIST 35—REGULATIONS FOR THE USE OF CARBON BLACK IN THE MANUFACTURE OF RUBBER OR SYNTHETIC RUBBER PRODUCTS

(a) *General provisions.* (1) The consumption of carbon black in the manufacture of rubber or synthetic rubber products shall conform to the regulations of this List 35.

(2) All references to carbon black in this List 35 refer to new carbon black added to the compound in the form of free carbon black or carbon black in prepared master batch or unvulcanized scrap, but do not include residual (unadded) carbon black in reclaim or cured scrap.

(3) Channel type carbon black is the type or grade of carbon black as defined in General Allocation Order M-300, Schedule 32, as amended February 5, 1945, paragraph (a) (3).

(b) *Manufacturing regulations.* (1) The use of carbon black in the manufacture of tires, tire casings, tire tubes and tire flaps shall conform to the following regulations:

(i) No more total carbon black may be consumed in the manufacture of the following passenger car tires than that listed below:

Size	*Carbon black per tire in pounds*
5.50–17 4-Ply	3.75
6.00–16 4-Ply	3.75
6.50–16 4-Ply	4.15

In the manufacture of all passenger car, motorcycle, industrial pneumatic and 20" and under rim diameter farm tractor and implement tires in all plies, not more than 37.5 pounds of total carbon black per 100 pounds of total rubber hydrocarbon may be consumed. Of the total carbon black consumed in each size tire, no more than 30 per cent of the total may be channel type carbon black.

(ii) In the manufacture of 6.00–16 6-ply mud and snow truck tires not more than 4.75 pounds of total carbon black per tire may be consumed. Of the total carbon black consumed in each tire not more than 1.42 pounds may be channel type carbon black.

(iii) In the manufacture of farm tractor and implement tires above 20" rim diameter not more than 34.5 pounds of carbon black per 100 pounds of total rubber hydrocarbon may be consumed. Of the total black consumed in each size tire no more than 30 per cent of the total may be channel type carbon black.

(iv) In the manufacture of all S-3 truck tires for both Government and civilian orders, other than that size and type listed in paragraph (1) (ii), each manufacturer shall consume not more than 80 per cent as much total carbon black, per tire, as was consumed in the same size tire on January 12, 1945. Of the total carbon black consumed in each size tire, no more than 40 per cent of the total may be channel type carbon black.

(v) In the manufacture of the following sizes and types of truck tires for both Government and civilian orders, each tire manufacturer shall consume not more than 90 per cent as much total carbon black, per tire, as was consumed in the same size tire on January 12, 1945.

Size	*Construction*
7.00 and 7.50, all rim diameters	S-4, S-6 and S-8
9.00–16 8-Ply	S-8

(vi) In the manufacture of all tires, tire tubes and tire flaps, both Government and civilian orders other than those listed in subparagraphs (1) (i), (1) (ii), (1) (iii), (1) (iv) and (1) (v) above, each manufacturer shall consume not more than 95 per cent as much total carbon black per tire, tire tube or tire flap as was consumed in the same size tire, tire tube or tire flap on January 12, 1945.

Individual sizes may exceed the indicated maximum percentage provided that the average total carbon black content of all sizes of the same type of tire, tire tube or tire flap does not exceed the indicated maximum percentage.

Bogie, Idler and Support Rollers for combat vehicles and combat tires shall be excepted from the above carbon black restrictions.

(2) The use of carbon black in the manufacture of any tire and tube repair materials or any retreading materials (as listed in Lists 23 and 30 of this Appendix II), shall conform to the following:

(i) In the manufacture of any grade of camelback, capping stock, lug stock and base stock for both Government and civilian orders each manufacturer shall consume not more than 90 per cent as much total carbon black per pound of camelback capping stock, lug stock and base stock as was consumed in the same grade of said products on January 12, 1945.

(3) Use of carbon black in the manufacture of any belting, hose, packing and gaskets and other mechanicals except hard rubber products (as listed in Codes 9 to 12, inclusive, except Code 12–D, of Appendix I) shall conform to the following:

(i) No carbon black shall be used in the manufacture of any article listed below, except that two per cent of carbon black based on the weight of the compound may be used in cases where the compound contains no reclaim or scrap rubber.

(*a*) Any item not listed in Appendix I.

(*b*) The following hose items:

Garden hose
Heater hose
Radiator hose for passenger cars and trucks, under one and one-half tons.
Drain hose
Vacuum hose, industrial and household

(*c*) Any household appliance or accessory, or part therefor, except vacuum sweeper belts, refrigerator door gaskets or functional parts for motors or compressors used thereon.

(*d*) Plumbing supplies, except bulb washers, ball cock washers, fuller balls, tank balls and gaskets, and valves for back-flow preventors.

(e) Molded, lathe-cut or extruded materials with a priority rating for delivery below AA-2X.

(ii) Of the total carbon black consumed by each manufacturer of belting, hose, packing and gaskets, and other mechanicals, in each thirty-day period, no more than thirty per cent of the total may be channel type carbon black.

(4) The use of carbon black in the manufacture of hard rubber products shall conform to the following:

(i) In the manufacture of conductive hard rubber products, for both Government and civilian orders, each manufacturer shall consume no more total carbon black in each product than was consumed in the same product on January 12, 1945.

(ii) In the manufacture of all hard rubber products, both Government and civilian orders, except those listed in paragraph (4) (i) above, each manufacturer shall consume not more than 80 percent as much total carbon black in each hard rubber product as was consumed in the same product on January 12, 1945.

Individual items may exceed the indicated maximum percentage provided that the average total carbon black content of all items of the same type does not exceed the indicated maximum percentage.

(5) The use of carbon black in the manufacture of waterproof rubber footwear and canvas rubber-soled shoes of vulcanized construction shall conform to the following:

(i) In the manufacture of waterproof rubber footwear and canvas rubber-soled shoes of vulcanized construction, for both Government and civilian orders, each manufacturer shall consume not more than 89 per cent as much total carbon black per pair as was consumed in the same size pair and type on January 12, 1945.

(ii) The percentage of channel type carbon black to the total carbon black shall not be increased over that in effect on January 12, 1945.

(6) The use of carbon black in the manufacture of wire and cable shall conform to the following regulations:

(i) In the manufacture of wire and cable for both Government and civilian orders, each manufacturer shall consume not more than 89% as much total carbon black in this group of products as was specified in his recipes or compounds and construction in effect on January 12, 1945.

(ii) The percentage of channel black to the total carbon black shall not be increased over that in effect on January 12, 1945.

(7) The use of carbon black in the manufacture of heels, soles and all other materials used in the manufacture and repair of shoes, including all findings and orthopedic appliances but excluding shoe cements, shall conform to the following regulations:

(i) In the manufacture of heels, soles and all other materials used in the manufacture and repair of shoes, including all findings and orthopedic appliances, for both Government and civilian orders, each manufacturer shall consume not more than 89 per cent as much total carbon black per pair or unit as was consumed in the same size, pair, unit or type on January 12, 1945.

(ii) The percentage of channel black to the total carbon black shall not be increased over that in effect on January 12, 1945.

(iii) The indicated maximum percentage of total carbon black may be exceeded in individual sizes or types, provided that the average total carbon black content of all sizes or types produced by a manufacturer does not exceed the indicated maximum percentage.

This List 35 becomes effective on February 15, 1945.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64)

Issued this 10th day of February 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-2417; Filed, Feb. 10, 1945; 4:37 p. m.]

PART 4600—RUBBER, SYNTHETIC RUBBER, BALATA AND PRODUCTS THEREOF

[Rubber Order R-1, Appendix IV, Direction 1]

ACCEPTANCE AND SHIPMENT OF ORDERS FOR TIRES TO UTILIZE OPEN CAPACITY

The following direction is issued pursuant to Appendix IV of Rubber Order R-1:

Whenever it is determined that any producer has open capacity for tire production,

the War Production Board may, in order to utilize such open capacity, by letter or telegram, authorize the producer to accept certified orders from vehicle manufacturers or orders from Claimant Agencies and to make delivery according to the terms of such orders. In addition, authorizations may be issued to accept orders for indirect military replacement in excess of percentages prescribed by directives previously issued under paragraph (e) of this Appendix IV.

All orders accepted pursuant to authorizations issued under this Direction 1 automatically become part of the producer's frozen schedule as provided in paragraph (p) of Appendix IV.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64)

Issued this 10th day of February 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-2415; Filed, Feb. 10, 1945; 4:32 p. m.]

Chapter XI—Office of Price Administration

[MPR 571]

PART 1450—TRANSPORTATION

RENTAL OF CERTAIN TYPES OF COMMERCIAL MOTOR VEHICLES

NOTE: An amendment to the statement of considerations involved in the issuance of Maximum Price Regulation 571 (10 F.R. 1150) was filed with the Division of the Federal Register as F.R. Doc. 45-2333, on February 9, 1945, at 11:33 a. m.

PART 1306—IRON AND STEEL

[RPS 49,[1] Amdt. 28]

RESALE OF IRON AND STEEL PRODUCTS

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 49 is amended in the following respects:

1. Section 1306.159 (k) (1) is amended to read as follows:

(1) *Limitations on charging of warehouse prices and certain exemptions.* (i) Prices in excess of the mill prices established by Revised Price Schedule No. 6 may not be charged by any person for:

(*a*) Direct shipments from producers or converters of any quantity of iron or steel products;

(*b*) Shipments of any quantity diverted from delivery to warehouses; or

(*c*) Shipments of any quantity not put through the operations commonly known as the warehousing of iron or steel products as defined in § 1306.157 (s); *Provided,* That in the case of pipe or tubular products, the maximum price may be determined in accordance with § 1306.159 (i) for less-than-carload quantities or § 1306.159 (k) (4) for carload quantities when the material is unloaded, stored, and delivered from premises regularly maintained for such operations by persons other than the producer or a holder of excess stock.

(ii) Notwithstanding the provisions of (i) above, any person may apply by letter or telegram to the Office of Price Administration, Washington, D. C., for permission to charge the prices set forth below. The Office of Price Administration will grant such permission when it finds that the specified circumstances are present and that they are not being used as a means of circumventing the limitations of this schedule. The Office of Price Administration may revoke permission granted hereunder when it finds that circumstances have so changed as to warrant such action.

(*a*) In the case of direct mill shipments of special named steel differing in chemical analysis and quality from standard mill specifications on which the seller takes the responsibility of performance, a price determined by the Office of Price Administration to be fair and equitable, but in no event higher than the general level of the seller's April 16, 1941, prices for a similar shipment.

(*b*) The maximum prices established by this schedule for material which has been put through the operations commonly known as the warehousing of iron or steel products, as defined in § 1306.159 (s), when:

(*1*) A seller proposes to make delivery of iron or steel products (other than pipe or tubular products) from stock stored at premises regularly maintained and operated for such storage by any person other than a producer or holder of excess stock; and

(*2*) Emergency circumstances do not permit him to store such material at premises which he regularly maintains and operates for the warehousing of iron or steel products; and

(*3*) A substantial proportion of the products which the applicant expects to sell during a representative period will be delivered from premises which he regularly maintains and operates for the warehousing of iron or steel products.

2. Section 1306.159 (k) (6) is amended to read as follows:

(6) Notwithstanding any other provision in Revised Price Schedule No. 49, in the case of iron or steel products specifically allocated to a seller by the War Production Board for resale at its direction or at the direction of any other Federal Agency to whom such authority is delegated by the War Production Board, the maximum delivered price shall be established by the Office of Price Administration upon application by the seller. Such application shall contain full information concerning the direction under which the seller shall operate, the source of supply of the iron or steel product embraced by the direction, the premises where the material will be stored and from which it will be sold, and the market and classes of buyers to be served.

This amendment shall become effective February 15, 1945.

Issued this 10th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2391; Filed, Feb. 10, 1945; 12:02 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 328, Amdt. 2]

CANNED EASTERN AND GULF OYSTERS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation 328 is amended in the following respects:

1. Section 1364.911 (a) is amended to read as follows:

§ 1364.911 *Maximum canners' prices for canned Eastern and Gulf Oysters.* (a) The prices set forth below are maximum prices per dozen cans f. o. b. the shipping point nearest cannery. The maximum prices are gross prices and the seller shall deduct therefrom his customary allowances, discounts and differentials to purchasers of different classes.

	Per dozen cans
No. 1 Picnic	$3.60
No. 2 Picnic	6.60

2. In § 1364.911 a new paragraph (d) is added to read as follows:

(d) *Notification to wholesalers and retailers.* If any amendment to this regulation changes the seller's maximum price for any item of canned Eastern and Gulf oysters, with the first delivery of that item after the effective date of such amendment, the seller shall:

(1) Supply each wholesaler and retailer who purchases the item from him with the following written notice:

(Insert date)

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for (describe item) has been changed under the provisions of Maximum Price Regulation 328. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulation 421, 422 or 423, and if we are your customary type of supplier, you must refigure your ceiling price for the item in accordance with the applicable pricing provisions of those regulations (see section 6 in each case). You must refigure your ceiling price on the first delivery of this item to you on and after (insert effective date of amendment).

For a period of 90 days after the effective date of the provision changing the seller's maximum price and with the first delivery after the 90-day period to each person who has not made a purchase within that time the seller shall include in each box, carton or case containing the item the written notice set forth above.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 4608, 4542, 7257, 7595, 7769, 7909, 9530, 9750, 13553, 13669; 9 F.R. 604, 1054, 3649, 4390, 4944, 5937, 6505, 8242, 11106.

(2) Supply each purchaser of the item who is a distributor other than a wholesaler or retailer with written notice of the establishment of the new maximum price. The notice which shall be attached to or stated on the invoice covering the first delivery to such purchaser after the effective date of the provision changing the maximum price shall read as follows:

(Insert date)

NOTICE TO DISTRIBUTORS OTHER THAN WHOLESALERS AND RETAILERS

Our OPA ceiling price for (describe item) has been changed to $_____ per dozen cans by amendment to Maximum Price Regulation 328. You are required to notify all wholesalers and retailers, for whom you are the customary type of supplier, purchasing the item from you after (insert effective date of amendment) of any change in your maximum price. This notice must be made in the manner prescribed in section 10 of Maximum Price Regulation 542, substituting the date referred to herein for July 17, 1944.

This amendment shall become effective February 9, 1945.

Issued this 9th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2350; Filed, Feb. 9, 1945; 4:54 p. m.]

PART 1382—HARDWOOD LUMBER

[RMPR 97,[1] Amdt. 16]

SOUTHERN HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

1. In § 1382.101, paragraph (b) is amended to read as follows:

(b) On and after February 9, 1945 the basic mill prices set forth in § 1382.112 (b) shall be increased as follows:

In the tables contained in subparagraphs (1) through (18), subparagraph (20), and subparagraphs (22) through (29), only the prices for the grades of FAS, No. 1 Common and Selects or No. 1 Common may be increased by 10%; the prices for all other grades may be increased by 3%.

In the tables contained in subparagraphs (30), (31), (33) and (34), all prices may be increased by 10%.

In § 1382.112 (c), the prices for dunnage may be increased by 3%.

The prices established by this paragraph (b), shall be rounded out to the nearest 50¢ per thousand feet. For example, a 10% increase on $58.00 would amount to $63.80 so that the new maximum price is $64.00; a 10% increase on $56.00 would amount to $61.60 so that the new maximum price is $61.50.

The prices in the tables contained in subparagraphs (32), (35), (36), (37), and (38), and the prices for special grades and items as to which maximum prices for particular mills have been established under any special pricing provision, may not be increased.

2. In § 1382.112 (b), the table contained in subparagraph (19) shall be amended to read as follows:

(19) Red Oak—Plain

Thickness (inch)	FAS	No. 1 Common and Selects or No. 1 Common	No. 2 Common	Sound Wormy	No. 3 A Common	No. 3 B Common
1/2	$49.50	$35.00	$28.00	$23.50	$22.50	$16.50
5/8	56.00	39.50	31.00	27.00	26.00	18.50
3/4	62.50	44.00	34.00	29.00	28.00	19.50
1	76.00	54.00	39.00	33.00	32.00	21.50
1 1/4	85.00	57.50	41.00	39.00	32.00	21.50
1 1/2	89.50	59.50	42.00	41.00	32.00	21.50
2	94.50	59.50	43.50	45.50	32.00	21.50
2 1/2	106.00	66.00				
3	121.00	76.00				
4	136.00	89.00				

3. In § 1382.112 (b), the table contained in subparagraph (21) shall be amended to read as follows:

(21) White Oak—Plain

Thickness (inch)	FAS	No. 1 Common and Selects or No. 1 Common	No. 2 Common	Sound Wormy	No. 3 A Common	No. 3 B Common
1/2	$60.50	$36.50	$28.00	$23.50	$22.50	$16.50
5/8	68.00	42.00	31.00	27.00	26.00	18.50
3/4	77.00	46.00	34.00	29.00	28.00	19.50
1	92.50	56.00	39.00	33.00	32.00	21.50
1 1/4	107.00	60.00	41.00	39.00	32.00	21.50
1 1/2	117.00	62.00	42.00	41.00	32.00	21.50
2	127.50	64.00	43.50	45.50	32.00	21.50
2 1/2	136.00	73.00				
3	151.00	88.00				
4	166.00	103.00				

4. In § 1382.112 (b), two new tables are added to read as follows:

(39) Special Truck Body Grade (see note 1)—Plain Red Oak

Thickness (inch)	FAS	FAS one face (see note 2)	No. 1 Common and Selects or No. 1 Common (see paragraph (a) under note 1)	No. 1 Common and Selects or No. 1 Common—6" and wider—8' and longer (see paragraph (b) under note 1)
1 1/4	$89.00	$79.00	$61.50	$64.50
1 1/2	93.50	83.50	63.50	66.50

(40) Special Truck Body Grade (see note 1)—Plain White Oak.

Thickness (inch)	FAS	FAS one face (see note 2)	No. 1 Common and Selects or No. 1 Common (see paragraph (a) under note 1)	No. 1 Common and Selects or No. 1 Common 6" and wider—8' and longer (see paragraph (b) under note 1)
1 1/4	$111	$101	$64	$67
1 1/2	121	111	66	69

NOTE: These notes apply to Tables 39 and 40.

NOTE 1: *Special truck body grade* is a grade which meets all requirements of the designated grade (FAS, FAS One Face, or No. 1 Common and Selects or No. 1 Common) as defined in the effective Rules for the Measurement and Inspection of Hardwood Lumber issued by the National Hardwood Lumber Association, and, in addition, meets the following specifications:

(a) Average width 8" or wider; 45% or more 14/16' lengths. All lumber must have been air-dried on sticks at least 90 days and the seller shall so certify to this fact on the invoice, or

(b) 6" and wider, 8' and longer; average width 8" or wider; 45% or more 14/16' lengths. All lumber must have been air-dried on sticks at least 90 days and the seller shall so certify to this fact on the invoice.

These prices are applicable only to shipments on military orders for the Detroit Ordnance District truck body and Navy landing craft programs which must be accompanied by a Memorandum of Bid issued by the Central Procuring Agency, Procurement Division of the United States Corps of Engineers on E. D. Form 526.

NOTE 2: "FAS one face" means a trade practice grade of Southern hardwood lumber which grades Firsts or Seconds on the better side of the piece and not below No. 1 Common on the poorer side of the piece, in accordance with the effective standard grading rules issued by the National Hardwood Lumber Association for the particular species.

This amendment shall become effective February 9, 1945.

Issued this 9th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2351; Filed, Feb. 9, 1945; 4:54 p. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17[1], Corr. to Amdt. 88]

SHOES

Ration Order 17 is corrected to read as follows:

Section 2.11 (1) (2) (iv) is corrected by changing the words "Release No. ___" to read as "Release No. 88".

This correction to Amendment 88 shall become effective February 14, 1945.

Issued this 10th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2397; Filed, Feb. 10, 1945; 12:01 p. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17,[1] Amdt. 91]

SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 2.11 (l) (1) (ii) is amended to read as follows:

(ii) Shoes acquired without ration currency under this subparagraph by any

*Copies may be obtained from the Office of Price Administration.

[1] 9 F.R. 5223; 10 F.R. 595.

[1] 8 F.R. 15839, 16605, 16996; 9 F.R. 92, 573, 764, 2232, 2656, 2947, 2829, 3340, 3944, 4391, 5254, 5805, 6233, 6647, 6455, 7080, 7773, 8254, 8339, 8340, 8931, 8355, 9901, 10589, 10984, 10985, 11638, 11763, 12039, 12271, 12812, 13134, 13067, 13992, 14017, 14496; 10 F.R. 521.

establishment whose transfers of shoes are made principally to other establishments may be transferred without ration currency to another establishment without relation to the percentage specified in section 2.11 (l) (1) (i). The price of each pair so transferred between establishments not owned by the same person may not exceed a price 10% above the price paid by the owner of the transferor establishment for such shoes.

This amendment shall become effective February 10, 1945.

Issued this 10th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2393; Filed, Feb. 10, 1945; 12:02 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[1] Amdt. 30 to 2d Rev. Supp. 1]

MEAT, FATS, FISH AND CHEESES

Second Revised Supplement 1 to Revised Ration Order 16 is amended in the following respects:

1. Section 1407.3027 (e) (14) is amended to read as follows:

(14) Q5, R5, S5 From December 3, 1944 to March 31, 1945, inclusive.

2. Section 1407.3027 (e) (15) is amended to read as follows:

(15) T5, U5, V5, W5, X5 from December 31, 1944 to April 28, 1945, inclusive.

3. Section 1407.3027 (e) (16) is amended to read as follows:

(16) Y5, Z5, A2, B2, C2, D2 From January 28, 1945 to June 2, 1945, inclusive.

This amendment shall become effective February 14, 1945.

Issued this 10th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2396; Filed, Feb. 10, 1945; 12:01 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[1a] Amdt. 46 to 2d Rev. Supp. 1]

PROCESSED FOODS

Second Revised Supplement 1 to Revised Ration Order 13 is amended in the following respects:

1. Section 1407.1102 (e) (10) is amended to read as follows:

(10) X5, Y5, Z5, A2, B2—From December 1, 1944 to March 31, 1945, inclusive.

2. Section 1407.1102 (e) (11) is amended to read as follows:

(11) C2, D2, E2, F2, G2—From January 1, 1945 to April 28, 1945, inclusive.

3. Section 1407.1102 (e) (12) is amended to read as follows:

(12) H2, J2, K2, L2, M2—From February 1, 1945 to June 2, 1945, inclusive.

This amendment shall become effective February 14, 1945.

Issued this 10th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2394; Filed, Feb. 10, 1945; 12:01 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[1a] Amdt. 47 to 2d Rev. Supp. 1]

PROCESSED FOODS

Section 1407.1102 (c) (16) is added to read as follows:

(16) For the reporting period beginning March 4, 1945 and ending March 31, 1945—4

This amendment shall become effective February 14, 1945.

Issued this 10th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2395; Filed, Feb. 10, 1945; 12:01 p. m.]

PART 1412—SOLVENTS

[MPR 170,[1] Incl. Amdts. 1-9]

ANTI-FREEZE

This compilation of Maximum Price Regulation 170 includes Amendment 9, effective February 15, 1945. The text amended and added by Amendment 9 is underscored.

In the judgment of the Price Administrator, seasonal and other factors affecting the sale of anti-freeze by manufacturers and distributors thereof have resulted in the establishment, under the General Maximum Price Regulation,[2] of maximum prices for such sales which are not generally representative and which are not best calculated to assist in securing adequate distribution of such anti-freeze.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations[3] involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Insofar as this regulation uses specifications and standards which were not, prior to such use, in general use in the trade or industry affected, or insofar as their use was not lawfully required by another Government agency, the Administrator has determined, with respect to such standardization, that no practicable alternative exists for securing effective price control with respect to the commodities subject to this regulation.

[Above sentence added by Supplementary Order 67, 8 F.R. 12555, effective 9-11-43.]

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1[4] issued by the Office of Price Administration, Maximum Price Regulation No. 170 is hereby issued.

Sec.

1412.1 Maximum prices for anti-freeze.
1412.2 Less than maximum prices.
1412.3 Evasion.
1412.4 Adjustable pricing.
1412.5 Records and reports.
1412.6 Marking and posting.
1412.7 Enforcement.
1412.8 Petitions for amendment.
1412.9 Licensing.
1412.10 Federal and state taxes.
1412.11 Applicability of General Maximum Price Regulation.
1412.12 Definitions.
1412.13 Appendix A: Maximum prices for anti-freeze.
1412.14 Effective date.
1412.15 Effective dates of amendments.

AUTHORITY: §§ 1412.1 to 1412.15, inclusive, issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

§ 1412.1 *Maximum prices for anti-freeze.* (a) On and after June 30, 1942, regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver anti-freeze and no person shall buy or receive anti-freeze in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1412.13; and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of anti-freeze to a purchaser if prior to June 30, 1942, such anti-freeze had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(b) Nothing in this Maximum Price Regulation No. 170 shall apply to sales or deliveries of wood alcohol for which maximum prices are established by Revised Price Schedule No. 34[5] or to sales or deliveries of ethyl alcohol for which maximum prices are established by Maximum Price Regulation No. 28[6] or Maximum Price Regulation No. 295,[7] or to sales or deliveries of glycerine for which maximum prices are established by Maximum Price Regulation 38.

[Paragraph (b) revoked and (c) redesignated (b) by Am. 8, 9 F.R. 32091, effective 6-3-44]

[Paragraph (b), formerly (c), amended by Am. 4, 8 F.R. 6951, effective 5-22-43; Am. 7,

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[1] 9 F.R. 6772, 7825, 7262, 7438, 8147, 8931, 9266, 9278, 9785, 9896, 10425, 10875, 10876, 10777, 11426, 11513, 11906, 11955, 11961, 12814, 12867.

[1a] 9 F.R. 173, 908, 1181, 2091, 2290, 2553, 2830, 2947, 3580, 3707, 4542, 4605, 4607, 4883, 5956, 6103, 6151, 6450, 7344, 7423, 7433, 9169, 9170, 9266, 9278.

[1] 9 F.R. 5909.

[2] 9 F.R. 1385, 5169, 6106, 8150, 10193, 11274.

[3] Statements of considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

[4] Revised: 9 F.R. 10476.

[5] 7 F.R. 1269, 8201, 8948.

[6] 8 F.R. 2339, 4256, 4852, 8016, 12879; 9 F.R. 2668, 3330, 4198, 4883, 12271, 12412, 13209.

[7] 7 F.R. 11115; 8 F.R. 129, 2599, 4930, 15431, 16742; 9 F.R. 2668, 3330, 4198, 12271, 12412.

8 F.R. 16701, effective 12-10-43; and Am. 9, effective 2-15-45]

[NOTE: Revised Supplementary Order No. 7 (7 F.R. 5176) provides that war procurement agencies and governments whose defense is vital to the defense of the United States shall be relieved of liability, civil or criminal, imposed by price regulations issued by the Office of Price Administration.]

[NOTE: Revised Supplementary Order No. 34 (8 F.R. 12404, 14073) permits, under special conditions, the addition of extra packing expenses to procurement agencies of the United States.]

[NOTE: Supplementary Order No. 42 (8 F.R. 4968) provides that no price regulation of the Office of Price Administration shall apply to sales or deliveries of any commodity or service made to Government agencies pursuant to secret contracts or subcontracts.]

§ 1412.2 *Less than maximum prices.* Lower prices than those set forth in Appendix A hereof (§ 1412.13) may be charged, demanded, paid or offered.

§ 1412.3 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 170 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to anti-freeze alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying agreement or other trade understanding or otherwise.

§ 1412.4 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation where a petition for amendment or an application for adjustment requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

[§ 1412.4 amended by Am. 4, 8 F.R. 6951, effective 5-22-43]

§ 1412.5 *Records and reports.* (a) On and after June 30, 1942, every person making purchases or sales of anti-freeze in the course of trade or business shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of every such purchase or sale except sales at retail, showing the date thereof, the name and address of the buyer and of the seller, the price contracted for or received, and the quantity of such anti-freeze purchased or sold.

(b) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may, from time to time, require.

(c) Any seller who has customarily given a purchaser a sales slip, receipt or similar evidence of purchase shall continue to do so. Upon request from a purchaser any seller, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, a description of the anti-freeze sold, and the price received for it.

(d) Every person selling Type P anti-freeze shall preserve all of his existing records relating to the price which he charged for Type P anti-freeze during that month of the six month period ending March 31, 1942, in which he delivered the largest amount of such anti-freeze.

§ 1412.6 *Marking and posting*—(a) *By persons packaging anti-freeze.* (1) Except as provided in subparagraph (3) of this paragraph, on and after June 30, 1942, every person who packages Type N, S, P or C anti-freeze in containers shall clearly and conspicuously mark on the outside of such containers or on labels securely affixed thereto the following information:

[Above paragraph amended by Am. 4, 8 F.R. 6951, effective 5-22-43]

(i) The type of anti-freeze contained therein, that is, "Type N", "Type S", "Type P", or "Type C", as the case may be, and in the case of Type C anti-freeze, the following additional statement: "This anti-freeze contains as its principal ingredient (Insert here the common name of the inorganic salt used in preparing the solution)."

[Subparagraph (i) amended by Am. 4, 8 F.R. 6951, effective 5-22-43]

(ii) The strength of the anti-freeze contained therein. Such strength may be designated as follows: "_____ gallon(s) of this anti-freeze added to one gallon of water will reduce the freezing point of the mixture to 10 degrees below zero Fahrenheit." Or, as an alternative, it may be designated by a complete anti-freeze protection table from which the above information may be obtained: *Provided,* That where any anti-freeze is packaged which when added to water in the proportion of ¾ of a gallon or less of such anti-freeze to one gallon of water reduces the freezing point of the resulting mixture to 10 degrees below zero Fahrenheit or lower, the terms "standard," "standard strength," or "full strength" may be used instead of the above statement or protection table.

[Subparagraph (ii) amended by Am. 6, 8 F.R. 11437, 11755, effective 8-16-43]

(iii) The applicable maximum retail price as established by Appendix A (§ 1412.13) for the anti-freeze contained therein. Such price shall be designated as follows: "OPA Retail Ceiling Price $_____." The blank in the quoted phrase shall be filled in with the applicable maximum retail price as established by Appendix A (§ 1412.13) by the packager in the case of Type S, Type N and Type C anti-freeze and by the retailer in the case of Type P anti-freeze, but in the latter case the packager shall supply the retailer with instructions as to the manner of determining the maximum retail price under the provisions of Appendix A (§ 1412.13).

(2) The type (N, S, P, or C) and the applicable maximum retail price established by Appendix A (§ 1412.13) shall be printed in letters at least two inches high on containers of more than five gallons, and in letters at least as large as any other printed matter thereon other than the trade mark or trade name on containers of five gallons or less.

(3) The marking specified in subdivision (iii) of subparagraph (1) of this paragraph may be omitted where anti-freeze is sold directly to the United States, or any agency thereof, or to a commercial or industrial user.

[Paragraph (a) amended by Am. 1, 7 F.R. 5717, effective 7-28-42, and Am. 2, 8 F.R. 1232, effective 2-1-43]

(b) *By retailers.* (1) Every person selling Type N, S, P or C anti-freeze at retail shall post the maximum price of each type (N, S, P or C), and brand of anti-freeze sold by him, in a manner plainly visible to and understandable by the purchasing public. The maximum price may be posted on the shelf, bin, or rack upon or in which the commodity is kept, or it may be posted at the place in the business establishment where the commodity is offered for sale, and shall be marked "Ceiling Price $_____"

[Subparagraph (1) amended by Am. 2, 8 F.R. 1232, effective 2-1-43; Am. 4, 8 F.R. 6951, effective 5-22-43; and Am. 6, 8 F.R. 11437, effective 8-16-43]

(2) Every person selling Type N, S, P or C anti-freeze at retail from containers of more than 5 gallons which do not have properly marked thereon the information required by paragraph (a) of this section shall mark such information on such containers in the form and manner prescribed in said paragraph.

[Subparagraph (2) amended by Am. 4, 8 F.R. 6951, effective 5-22-43]

§ 1412.7 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 170 are subject to criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 170 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest District, State, Field, or Regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1412.8 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 170 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

[§ 1412.8 amended by Supplementary Order No. 26, 8 F.R. 8948, effective 11-4-42]

[NOTE: Procedural Regulation No. 6 (7 F.R. 5087, 5665) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Revised Supplementary Order No. 9 (8 F.R. 6175) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, with the exception of those which expressly

prohibit such applications, and certain specific regulations listed in Revised Supplementary Order No. 9.]

[NOTE: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

§ 1412.9 *Licensing.* The provisions of Licensing Order No. 1,[8] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[§ 1412.9 amended by Supplementary Order 72, 8 F.R. 13244, effective 10–1–43]

§ 1412.10 *Federal and state taxes.* Any tax upon, or incident to, the sale, delivery, processing, or use of anti-freeze imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such anti-freeze and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect during any part of the six-month period ending March 31, 1942.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price during any part of the six-month period ending March 31, 1942, the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such case shall include such amount in determining the maximum price under this Maximum Price Regulation No. 170.

(2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 170.

(b) *As to a tax or increase in a tax which becomes effective after March 31, 1942.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

[NOTE: Supplementary Order No. 31 (7 F.R. 9894; 8 F.R. 1312, 3702) provides that: "Notwithstanding the provisions of any price regulation, the tax on transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price."]

§ 1412.11 *Applicability of General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 170 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

§ 1412.12 *Definitions.* (a) When used in this Maximum Price Regulation No. 170, the term:

(1) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Anti-freeze" means any product sold for use, without further processing, as a depressant of the freezing point of coolant water in internal combustion engines, or any fluid composed principally of a petroleum fraction or fractions sold for use, without further processing, as a cooling medium for internal combustion engines of automobiles.

[Subparagraph (2) amended by Am. 4, 8 F.R. 6951, effective 5–22–43; and Am. 7, 8 F.R. 16701, effective 12–10–43.]

(3) "Alcohol" means a monohydric or polyhydric aliphatic alcohol from the group consisting of methyl alcohol, ethyl alcohol, isopropyl alcohol, and ethylene glycol.

(4) "Standard anti-freeze" means any anti-freeze which when added to water in the proportion of ¾ of a gallon or less of such anti-freeze to one gallon of water reduces the freezing point of the resulting mixture to 10 degrees below zero Fahrenheit or lower.

(5) "Sub-standard anti-freeze" means anti-freeze which must be added to water in the proportion of more than ¾ of a gallon of such anti-freeze to one gallon of water to reduce the freezing point of the resulting mixture to 10 degrees below zero Fahrenheit.

(6) "Type P" anti-freeze means an anti-freeze which contains at least 60% ethylene glycol by weight and at least 85% of glycol compounds by weight.

[Subparagraph (6) amended by Am. 1, 7 F.R. 5717, effective 7–28–42.]

(7) "Type N" anti-freeze means anti-freeze which has as its principal component fermentation ethyl alcohol or anti-freeze which has as its principal component wood distilled methyl alcohol and contains at least 95% wood distilled methyl alcohol by volume.

(8) "Type S" anti-freeze means anti-freeze which has as its principal component synthetic ethanol, synthetic methanol, synthetic methanol-isopropyl alcohol mixtures or mixtures of fermentation ethyl alcohol or wood distilled methyl alcohol with any of the foregoing.

[Subparagraphs (7) and (8) amended by Am. 4, 8 F.R. 6951, effective 5–22–43]

(9) "Manufacturer" means any person who produces anti-freeze.

(10) "Sale at retail" or "selling at retail" means a sale or selling to an ultimate consumer.

(11) "Retailer" means a seller making sales at retail.

(12) "Purchaser of the same class" means a purchaser of the same kind (for example, distributor, jobber, fleet owner, individual consumer) buying under the same or similar conditions of sale.

(13) "Seller of the same class" means a seller (i) performing the same function (for example, manufacturing, distributing, jobbing, retailing) (ii) of similar type (for example, gasoline stations, mail order houses, general stores, cut-rate stores) (iii) dealing in the same type of commodities, and (iv) selling to the same class of purchaser. A seller's "most closely competitive seller of the same class" shall be a seller of the same class who (*a*) is selling anti-freeze of the same type, and (*b*) is closely competitive in the sale of such anti-freeze, and (*c*) is located nearest to the seller.

(14) "Manufacturer's shipping point" means the point at which anti-freeze is delivered by the manufacturer to a carrier for shipment to a purchaser.

(15) "Glycol compounds" means ethylene glycol, ethylene glycol homologs, polyethylene glycols or mixtures of any of the foregoing.

[Subparagraph (15) added by Am. 1, 7 F.R. 5717, effective 7–28–42.]

(16) "Percent by volume." The percent by volume of methyl alcohol contained in a mixture of methyl alcohol and water means the number of gallons of methyl alcohol which when added to the appropriate amount of water gives a total volume of 100 gallons of mixture.

[Subparagraph (16) added by Am. 1, 7 F.R. 5717, effective 7–28–42; and amended by Am. 4, 8 F.R. 6951, effective 5–22–43.]

(17) "Type C" anti-freeze means an anti-freeze which has as its principal component an inorganic salt such as calcium, magnesium, or sodium chloride.

[Subparagraph (17) added by Am. 2, 8 F.R. 1232, effective 2–1–43.]

(18) "Petroleum fractions" includes kerosene, No. 1 fuel oil and heavier distillate fuel oils, naphthas, solvents and mineral spirits.

[Subparagraph (18) added by Am. 7, 8 F.R. 16701, effective 12–10–43.]

(b) Unless the context otherwise requires the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this Maximum Price Regulation No. 170.

[8] 8 F.R. 13240.

§ 1412.13 *Appendix A: Maximum prices for anti-freeze.* Maximum prices for anti-freeze shall be those specified in this section or by orders issued thereunder. Where a maximum price for a particular sale or delivery of an anti-freeze, such as a sale or delivery by a wholesaler to another wholesaler, is not established in this section or in an order establishing maximum prices for the particular kind of anti-freeze, the maximum price for such sale or delivery shall be the maximum price established for sales to retailers in this section or in an order issued thereunder.

[Above paragraph added by Am. 8, 9 F.R. 32091, effective 6–3–44]

(a) *Standard anti-freeze, Type N and Type S.* Maximum prices for standard Type N and Type S anti-freeze are established as follows:

(1) *Sales by manufacturers to persons other than retailers.*

[Per gallon delivered]

	Type N	Type S
(i) Tank cars	$0.58	$0.30
(ii) Tank truck deliveries:		
500 gallons or over	.60	.32
Less than 500 gallons	.62	.34
(iii) Carload lots (containers included):		
(a) containers over 35 gallons	.70	.42
(b) containers over 5 gallons and including 35 gallons	.72	.44
(c) containers of 1 to 5 gallons, inclusive	.76	.47
(d) containers less than 1 gallon	.80	.51

(iv) Less than carload lots. The maximum prices established above for deliveries in carload lots plus three cents per gallon, f. o. b. manufacturer's shipping point.

(2) *Sales to retailers by any person.*

[Per gallon delivered]

	Type N	Type S
(i) Containers over 35 gallons	$0.87	$0.55
(ii) Containers over 5 gallons and including 35 gallons	.90	.57
(iii) Containers of 1 to 5 gallons, inclusive	.94	.61
(iv) Containers less than 1 gallon	.99	.66

In the case of sales to retailers by sellers other than manufacturers, transportation costs in excess of three cents per gallon may be charged to buyer's account. Any such charges shall be separately stated on an invoice, which shall be furnished the buyer by the seller.

[Subparagraph (2) amended by Am. 8, 9 F.R. 32091, effective 6–3–44]

(3) *Sales at retail.* Delivered, including installation in automobile cooling system where buyer so requests and where anti-freeze was customarily so installed without charge during the six month period ending March 31, 1942 by the seller or, if the seller did not sell anti-freeze during such period, by like sellers.

	Type N	Type S
	Per gal.	*Per gal.*
(i) In quantities of 1 gallon or more	$1.40	$1.00
	Per qt.	*Per qt.*
(ii) In quantities of less than 1 gallon	.35	.25

[Paragraph (a) amended by Am. 4, 8 F.R. 6951, effective 5–22–43 and as otherwise noted]

(b) *Sub-standard anti-freeze, Type N and Type S.* For sales covered by subparagraphs (1), (2), and (3) of paragraph (a) of this section, the maximum price for any quantity of substandard anti-freeze of Type N or Type S, in any kind of container, shall be the maximum price, as determined under whichever one of said subparagraphs (1), (2), or (3) is applicable, for that quantity of standard anti-freeze of the same type, in the same kind of container, which would produce an anti-freeze effect equal to that produced by the quantity of substandard anti-freeze being priced. Such maximum price shall not exceed the price determined by computation under the following formula: Subtract 25% from the maximum price for a quantity of standard anti-freeze of the same type (in like containers) equal to the quantity of substandard anti-freeze being priced, and divide the result by the number of gallons of such substandard anti-freeze which must be added to 1 gallon of water to reduce the freezing point of the resulting mixture to 10 degrees below zero Fahrenheit.

(c) *Standard anti-freeze, Type P.* (1) The maximum price which any seller may charge for standard Type P anti-freeze shall be the highest price which such seller charged on a delivery of standard Type P anti-freeze in like containers in similar amounts to a purchaser of the same class during that month of the six month period ending March 31, 1942, in which such seller delivered the largest amount of Type P anti-freeze. This maximum price in the case of sales at retail shall not exceed $2.65 per gallon on sales in quantities of 1 gallon or more or $.70 per quart on sales in quantities of less than one gallon. Such maximum prices include installation in automobile cooling systems where the buyer so requests, and where anti-freeze was customarily so installed without charge during the six month period ending March 31, 1942 by the seller or, if the seller did not sell anti-freeze during such period, by like sellers.

[Subparagraph (1) amended by Am. 1, 7 F.R. 5717, effective 7–28–42; and Am. 4, 8 F.R. 6951, effective 5–22–43.]

(2) If a seller cannot determine a maximum price for standard Type P anti-freeze under subparagraph (1), he shall take as his maximum price the maximum price to a purchaser of the same class as established under subparagraph (1) for the seller's most closely competitive seller of the same class for whom such a maximum price has been established under subparagraph (1).

(d) *Sub-standard anti-freeze, Type P.* The maximum price for any quantity of sub-standard Type P anti-freeze, in any kind of container and to any class of purchaser, shall be the maximum price for that quantity of standard Type P anti-freeze, in like containers and to the same class of purchaser, which would produce an anti-freeze effect equal to that produced by the quantity of sub-standard Type P anti-freeze being priced. Such maximum price shall not exceed the price determined by computation under the following formula: subtract 25% from the maximum price (to the same class of purchasers) for a quantity of standard Type P anti-freeze (in like containers) equal to the quantity of sub-standard Type P anti-freeze being priced, and divide the result by the number of gallons of such sub-standard Type P anti-freeze which must be added to one gallon of water to reduce the freezing point of the resulting mixture to 10 degrees below zero Fahrenheit.

(e) The maximum prices established by this regulation shall not be increased by any charges for containers. The seller may, however, require the return of containers, but in such case the maximum prices which may be charged are the maximum prices specifically set forth in this regulation less $.025 per gallon. The same deduction shall be made in those cases where the buyer furnishes drums. Transportation costs with respect to the return or furnishing of containers shall, in all cases, be borne by the seller.

When sales are made upon a container-returnable basis, the seller may require a reasonable deposit for the return of such containers but such deposit must be refunded to the buyer upon the return of the containers in good condition within a reasonable time.

[Paragraph (e) amended by Am. 4, 8 F.R. 6951, effective 5–22–43; and Am. 5, 8 F.R. 8070, effective 5–22–43]

(f) *Credit charges.* The maximum prices established by this Maximum Price Regulation No. 170 shall not be increased by any charges for the extension of credit.

(g) *Standard strength anti-freeze. Type C.* Maximum prices for standard strength Type C anti-freeze are established as follows:

(1) *Sales to retailers by any person.*

[Per gallon delivered, containers included]

	Calcium chloride, sodium chloride, or mixed salt base	Magnesium chloride base
Over 5 gallons	$0.40	$0.47
1–5 gallons	.46	.53
Less than 1 gallon	.51	.58

(2) *Sales at retail.* Delivered, including installation in automobile cooling system where buyer so requests and where anti-freeze was customarily so installed without charge during the six month period ending March 31, 1942 by the seller or, if the seller did not sell anti-freeze during such period, by like sellers.

	Calcium chloride, sodium chloride, or mixed salt base	Magnesium chloride base
In quantities of 1 gallon or more	*Per gallon* $0.75	*Per gallon* $0.85
In quantities of less than 1 gallon	*Per quart* .20	*Per quart* .23

[Subparagraph (2) amended by Am. 4, 8 F.R. 6951, effective 5–22–43]

Provided, That until and including March 15, 1943, any seller of Type C anti-freeze other than a manufacturer or retailer, who prior to February 1, 1943 had purchased Type C anti-freeze and had it in his possession or in the custody of a carrier or warehouse other than a carrier or warehouse owned or controlled by the person from whom such anti-freeze was acquired, may sell such anti-freeze at a price not to exceed the maximum price established in this section or at his cost of acquisition, whichever is higher, *And provided further*, That until and including March 15, 1943, any retailer may sell Type C anti-freeze at a price not to exceed the maximum price established in this section or at his cost of acquisition plus $.25 per gallon, whichever is higher.

[Paragraph (g) added by Am. 2, 8 F.R. 1232, effective 2-1-43. Proviso amended by Am. 3, 8 F.R. 1813, effective 2-1-43]

(h) *Substandard strength anti-freeze, Type C.* For sales covered by subparagraphs (1) and (2) of paragraph (g) above, the maximum price for any quantity of substandard strength Type C anti-freeze in any kind of container shall be the maximum price, as determined under whichever one of said subparagraphs (1) or (2) is applicable, for that quantity of standard strength Type C anti-freeze, in like containers, which would produce an anti-freeze effect equal to that produced by the quantity of substandard strength Type C anti-freeze being priced. Such maximum price shall not exceed the price determined by computation under the following formula: subtract 25% from the maximum price for a quantity of standard strength Type C anti-freeze (in like containers) equal to the quantity of substandard strength Type C anti-freeze being priced, and divide the result by the number of gallons of such substandard strength Type C anti-freeze which must be added to one gallon of water to reduce the freezing point of the resulting mixture to ten degrees below zero Fahrenheit.

[Paragraph (h) added by Am. 2, 8 F.R. 1232, effective 2-1-43]

(i) *Wood distilled methyl alcohol base anti-freeze containing less than 95% by volume of wood distilled methyl alcohol*—(1) *Maximum prices.* The maximum price for any sale of wood distilled methyl alcohol base anti-freeze containing less than 95% by volume of wood distilled methyl alcohol shall be the maximum price established in paragraph (a) above for like sales of Type N anti-freeze multiplied by the figure obtained by dividing by 95 the number of percent by volume of wood distilled methyl alcohol contained in the anti-freeze.

(2) *Marking and posting.* The marking and posting requirements of § 1412.6 which are applicable to Type N anti-freeze shall apply to wood distilled methyl alcohol base anti-freeze containing less than 95% by volume of wood distilled methyl alcohol, except that, such anti-freeze shall be designated as "Type W (____%)". The blank in the quoted phrase shall be filled in by the number of percent by volume of wood distilled methyl alcohol contained in such anti-freeze.

(3) Any seller other than a manufacturer or retailer, who, prior to May 22, 1943, had purchased, at the maximum prices established for sales of Type N anti-freeze, anti-freeze containing less than 95 per cent by volume of wood distilled methyl alcohol, may sell such anti-freeze at the maximum prices established for sales of Type N anti-freeze, until and including September 30, 1943. Any seller at retail who purchases such anti-freeze prior to September 30, 1943, at the maximum prices for sales of Type N anti-freeze, may resell such anti-freeze at the maximum prices established for sales of Type N anti-freeze until and including December 15, 1943.

[Subparagraph (3) added by Am. 6, 8 F.R. 11437, effective 8-16-43]

(j) *Anti-freeze of a type not specifically named.* (1) The maximum prices (except as provided in paragraph (k) below) for an anti-freeze which is of a type for which maximum prices or methods of determining maximum prices for sales by the manufacturer are not specified in this section shall be maximum prices specifically authorized by the Office of Price Administration which are in line with the level of maximum prices established by this regulation.

[Subparagraph (1) amended by Am. 7, 8 F.R. 16701, effective 12-10-43]

(2) Prior to first offering such an anti-freeze for sale, the manufacturer shall submit by registered mail to the Office of Price Administration in Washington, D. C., an application for specific authorization of maximum prices. Such application shall contain the following information:

(i) Statement as to the geographical area in which and the types of reseller through which it is proposed to distribute the anti-freeze.

(ii) Proposed maximum prices for sales in each size and type of container for sales at retail and for sales to and by each type of reseller who will handle the anti-freeze, with a detailed explanation of how such prices were calculated and a full explanation of the reasons why the manufacturer considers the proposed prices to be in line with the level of maximum prices established by this regulation.

(iii) The quantitative formula of the anti-freeze; ceiling or actual purchase price, whichever is lower of each material in such formula, per unit of material; corresponding material cost for each material per gallon of anti-freeze; name and address of the supplier of each material whose ceiling price or actual selling price was used.

(iv) Detailed breakdown of costs, other than material costs, per gallon of anti-freeze, showing:

(*a*) Package costs for each size and type of container.

(*b*) Direct labor costs for packaging for each size and type of container.

(*c*) Direct labor costs for preparing the anti-freeze.

(*d*) Estimated freight absorption.

(v) Statement as to the number of gallons of the anti-freeze which must be added to one gallon of water to reduce the freezing point of the resulting mixture to 10 degrees below zero Fahrenheit, to zero degrees Fahrenheit, and by one degree Fahrenheit; specific gravity; boiling point and freezing point of the anti-freeze; boiling points and percentage compositions (by weight) of any constant boiling point mixtures which the anti-freeze forms with water; complete protection table, if available; and description and results of any tests that have been made as to the cooling properties, corrosive effects, other properties of the anti-freeze.

(3) Any authorization of maximum prices under this paragraph (j) may contain such requirements as to the marking and posting of retail prices and other information as the Office of Price Administration determines to be proper.

(4) No deliveries of the anti-freeze may be made prior to authorization of maximum prices therefor by the Office of Price Administration.

[Paragraphs (i) and (j) added by Am. 4, 8 F.R. 6951, effective 5-22-43 and amended as noted]

(k) *Petroleum fraction anti-freeze.* No person may sell or deliver an anti-freeze composed principally of a petroleum fraction or fractions until maximum prices therefor have been authorized in accordance with paragraph (j) above except as specified below:

(1) A reseller other than a retailer who prior to December 10, 1943 had purchased and received delivery of any such anti-freeze may sell such anti-freeze at his cost of acquisition plus two cents per gallon or at the maximum price, if any, authorized for his sales in accordance with paragraph (j), whichever is higher.

(2) A retailer who prior to December 10, 1943 had purchased and received delivery of any such anti-freeze may sell such anti-freeze at his cost of acquisition plus three cents per gallon or at the maximum price, if any, authorized for his sales in accordance with paragraph (j) above, whichever is higher.

(3) A retailer who on or after December 10, 1943 purchases and receives delivery of any such anti-freeze from a reseller other than a retailer at a price not in excess of the maximum price established for such reseller's sales of such anti-freeze by subparagraph (1) above may sell such anti-freeze at his cost of acquisition plus three cents per gallon or at the maximum price, if any, established for his sales in accordance with paragraph (j) above, whichever is higher.

(4) A buyer who has purchased any such anti-freeze shall be deemed to have received delivery of it if he has it in his possession or in the custody of a carrier or warehouse other than a carrier or warehouse owned or controlled by the person from whom he acquired it.

[Paragraph (k) added by Am. 7, 8 F.R. 16701, effective 12-10-43]

(l) *Glycerine base anti-freezes*—(1) *Applicability.* This paragraph (l) establishes maximum retail prices for glycerine base anti-freezes, that is, anti-freezes containing glycerine as the principal component, and glycerine sold for anti-freeze use. Maximum prices for glycerine base anti-freezes established by orders issued under paragraph (j) prior to January 25, 1945 shall remain

in effect until March 16, 1945, on which date such maximum prices shall be superseded by those established by this paragraph (l).

(2) *Maximum prices for glycerine base anti-freeze (including C. P. glycerine) containing at least 95 per cent glycerine by volume*—(i) *Sales at retail.* The maximum price for sales at retail of glycerine base anti-freeze (including C. P. glycerine) containing at least 95 per cent glycerine by volume shall be:

$2.65 per gallon or $.67 per quart, delivered

These maximum prices include installation in automobile cooling system where buyer so requests and where anti-freeze was customarily so installed without charge during the six month period ending March 31, 1942, by the seller, or if the seller did not sell anti-freeze during this period, by like sellers.

(ii) *Sales at retail to buyers located in Zone B.* The maximum prices for glycerine base anti-freeze (including C. P. glycerine) containing at least 95 percent glycerine by volume established in subdivision (i) may be increased $0.20 per gallon on sales at retail to buyers located in Zone B which is the following territory: Washington, east of and including the following counties: Okanogan, Chelan, Kittitas, Yakima, Klickitat; Oregon, east of and including the following counties: Hood River, Wasco, Jefferson, Deschutes, Klamath; Nevada, Arizona, New Mexico, that part of Colorado west of and including the following counties: Jackson, Grant, Gilpin, Jefferson, Douglas, Teller, Freemont, Custer, Huerfano, and Costilla counties: Utah, Wyoming, excepting Laramie County, Idaho, Montana.

(3) *Maximum prices for other glycerine base anti-freeze (including C. P. glycerine) containing less than 95 percent glycerine by volume*—(i) *Maximum retail prices.* The maximum price for a sale at retail of a glycerine base anti-freeze containing less than 95 percent glycerine by volume shall be the maximum price established in subparagraph (2) above for a like sale of a glycerine base anti-freeze containing at least 95 percent glycerine by volume multiplied by the figure obtained by dividing by 95 the number of percent by volume of glycerine in the anti-freeze being priced.

Example: The maximum price per gallon for a sale at retail, other than in Zone B, for a glycerine base anti-freeze containing 75 percent by volume of glycerine is $2.65 times $\frac{75}{95}$ or $1.89 per gallon ($0.48 per quart).

(ii) *Methods for determining percentage by volume of glycerine prepared from certain commercial grades of glycerine.*

(*a*) The percentage by volume of glycerine in anti-freeze prepared by adding water inhibitors, or other diluents to 95 per cent (by weight) C. P. glycerine may be determined by the following formula:

$$\text{Per cent by volume} = \frac{(93.8 \text{ times number gals. of } 95\% \text{ glycerine})}{\text{divided by}\ (\text{Number of gals. } 95\% \text{ glycerine plus total number of gals. of added diluents.})}$$

Example: The percent by volume of glycerine in an anti-freeze prepared by adding 5 gallons of water and inhibitor to 10 gallons of 95% (by weight) C. P. glycerine is determined as follows:

$$\text{Percent by volume} = \frac{93.8 \text{ times } 10}{10 \text{ plus } 5} = 62.5\%.$$

(*b*) Where the anti-freeze is prepared from 98 percent (by weight) C. P. glycerine, the percent by volume of glycerine in the anti-freeze may be determined from the following formula:

$$\text{Percent by volume} = \frac{(97.5 \text{ times number of gals. } 98\% \text{ glycerine})}{\text{divided by}\ (\text{Number of gals. } 98\% \text{ glycerine plus total number of gals, added diluents.})}$$

(4) *Marking and posting.* The marking and posting requirements of § 1412.6 which are applicable to Type N anti-freeze shall apply to glycerine base anti-freeze, except that, such anti-freeze shall be designated as "Type GL (_____%)", and the maximum retail price established by this paragraph (l) shall be marked and posted. The blank in the quoted phrase shall be filled in with the number of percent by volume of glycerine in the anti-freeze.

[Paragraph (l) added by Am. 9, effective 2-15-45]

§ 1412.14 *Effective date.* This Maximum Price Regulation No. 170 (§§ 1412.1 to 1412.14) shall become effective June 30, 1942. [MPR 170 originally issued June 25, 1942.]

§ 1412.15 *Effective dates of amendments.* [Effective dates of amendments are shown in notes following the parts affected.]

NOTE: The reporting requirement of this regulation has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 10th day of February 1945.

CHESTER BOWLES,
Administrator.

SUMMARY OF ORDERS ISSUED UNDER MPR 170

Below is a summary of all orders issued under MPR 170 through December 15, 1944. Order No. 4 is obsolete and is not summarized.

Note—1. Under each order the retailer is required to plainly post the maximum retail price and brand name of the anti-freeze covered by the order.

2. Retail Prices: Under Orders 1, 2, 3, and 8 the retail price includes installation in automobile cooling system where buyer so requests and anti-freeze was customarily so installed without charge during the six months ending March 31, 1942 by the seller, or, if the seller did not sell anti-freeze during this period, by like sellers.

Under Orders 5, 6, and 7 on petroleum base anti-freezes the retail price includes thorough cleaning of automobile cooling system in accordance with manufacturer's directions as well as installation in automobile cooling system.

3. In no case may the maximum price be increased by any charge for containers.

Under Orders 1, 2, and 3 the seller must reduce the price by $0.25 per gallon if he requires the return of containers or the buyer furnishes containers. Transportation costs for the return or furnishing of containers must be borne by the seller.

Under Orders 5, 6, 7, and 8, the price for the contents of a drum must be decreased by the maximum price for a used drum of the same kind, f. o. b. buyer's plant, if the seller requires the return of drums or the buyer furnishes drums. Transportation costs for the return or furnishing of drums must be borne by the seller.

4. Where a maximum price is set for sales to retailers, freight in excess of 5 cents per gallon on sales other than by the manufacturer may be charged to the buyer's account, if the charge is separately invoiced. This does not apply to Order 8.

5. Where a maximum price is established for sales to retailers, this maximum price applies to all sales not specifically mentioned.

Order No. 1 (8 F.R. 11191), effective August 10, 1943.—A mixture of wood alcohol and isopropyl alcohol manufactured by Wm. S. Gray and Company and others.

Packager's marking: "OPA Retail Ceiling Price $1.32 per gallon or $0.33 per quart" and "Type G" or "A mixture of 72 parts 95 per cent wood alcohol and 28 parts 91 per cent isopropyl alcohol."

Maximum prices:

At retail:
1 gallon or more..... $1.32 per gallon.
Less than 1 gallon..... $0.33 per quart.

To retailers: Containers of 35 gallons or more, $0.81 per gallon, delivered.

Sales by manufacturer to persons other than retailers:
Tank cars..... $0.54 per gallon, delivered.
Drums c. l..... $0.65 per gallon, delivered.
Drums l. c. l..... $0.68 per gallon, f. o. b. seller's shipping point.

Order No. 2, effective September 23, 1943.—"Alexite" manufactured by Alexite Engineering Company.

Packager's marking: "OPA Retail Ceiling Price $1.60 per gallon or $0.40 per quart" and "1.7 gallons of this anti-freeze added to one gallon of water will reduce the freezing point of the resulting mixture to 10° below zero Fahrenheit" or a complete protection table from which this information can be obtained.

Maximum prices:

At retail:
1 gallon or more..... $1.60 per gallon.
Less than 1 gallon..... $0.40 per quart.

Order No. 3, effective September 23, 1943.—Isopropyl alcohol base anti-freeze manufactured by Shell Chemical Company.

Packager's marking: "OPA Retail Ceiling Price $0.92 per gallon or $0.23 per quart" and "1.9 gallons of this anti-freeze added to one gallon of water will reduce the freezing point of the resulting mixture to 10° below zero Fahrenheit" or a complete protection table from which this information may be obtained.

Maximum prices.

At retail:
1 gallon or more..... $0.92 per gallon.
Less than 1 gallon..... $0.23 per quart.

To retailers: Containers over 35 gallons, $0.625 per gallon, delivered.

Sales by manufacturer other than to retailer:
Tank cars ..... $0.38 per gallon, delivered.
Drums c. l. ..... $0.465 per gallon, delivered.
Drums l. c. l. ..... $0.495 per gallon, f. o. b. seller's shipping point.

Order No. 4.—Obsolete.

Order No. 5 (8 F.R. 16948), effective December 16, 1943.—"No-Freeze" petroleum base anti-freeze manufactured by Great Northern Chemical Company at Oak Park, Illinois.

Packager's marking: "OPA Retail Ceiling Price $1.20 per gallon" ($1.32 in Montana, Wyoming, Colorado, New Mexico and states west); the statement "A petroleum base anti-freeze,"[1] and the brand name "No-Freeze."

MAXIMUM PRICES

	States east of Montana, Wyoming, Colorado, and New Mexico	Montana, Wyoming, Colorado, New Mexico, and States west
At retail	$1.20 per gallon	$1.32 per gallon.
To retailers	$0.70 per gal. in drums delivered.	$0.78 per gal. in drums delivered.
Sales by manufacturer other than to retailers:	$0.78 per gal. in glass jugs delivered.	$0.86 per gal. in glass jugs delivered.
Drum c. l.	$0.56 per gal., delivered.	$0.625 per gallon, delivered.
Glass jugs c. l.	$0.64 per gal. delivered.	$0.705 per gallon, delivered.

Less than carload sales by manufacturer: Transportation costs in excess of 5 cents per gallon in East or 10 cents per gallon in West may be charged to buyer if charge is separately invoiced.

Order No. 6 (8 F.R. 17016), effective December 16, 1943.—"Freeze-proof" a petroleum base anti-freeze manufactured by Motoroyal Oil Company at Denver, Colorado.

Packager's marking: "OPA Retail Ceiling Price $1.32 per gallon," the statement "A petroleum base anti-freeze" and the brand name "Freeze-proof."

Maximum prices:

At retail: $1.32 per gallon. To retailers:	*Per gallon, delivered*
Drums	$0.78
Glass jugs	.86
Sales by manufacturer to persons other than retailers:	*Per gallon, delivered*
c. l. drums	$0.625
c. l. glass jugs	.705

Less than carload: Transportation charges in excess of 5 cents per gallon may be charged to buyer's account, if charge is separately invoiced.

Order No. 7 (8 F.R. 16949), effective December 16, 1943.—"Safas" a petroleum base anti-freeze manufactured by Middle States Manufacturing Company at Salt Lake City, Utah.

Packager's marking: "OPA Retail Ceiling Price $1.32 per gallon," the statement "A petroleum base anti-freeze," the brand name "Safas."

Maximum prices:

At retail: $1.32 per gallon. To retailers:	*Per gallon, delivered*
Drums	$0.78
Glass jugs	.86
Sales by manufacturers other than to retailers:	*Per gallon delivered*
Drums	$0.625
Glass jugs	.705

Order No. 8 (9 F.R. 13936), effective November 20, 1944—"Type M anti-freeze" manufactured by Border States Distributing Co., Houston, Texas, and containing 96 parts by volume of propylene glycol and 2 parts by volume of inhibitors.

Packager's marking—"Type M Anti-freeze"; "OPA Retail Ceiling Price $2.44 per gallon"; ".815 gallons of this anti-freeze added to one gallon of water will reduce freezing point of resulting mixture to 10° below zero Fahrenheit," or a complete protection table from which this information may be obtained.

Maximum prices:

At retail: $2.44 per gallon.

To retailers: $1.77 per gallon in drums, delivered.

[F. R. Doc. 45-2390; Filed, Feb. 10, 1945; 12:01 p. m.]

PART 1441—TANNING MATERIALS

[MPR 531,[2] Amdt. 6]

IMPORTED VEGETABLE TANNING MATERIALS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 531 is amended in the following respects:

1. The following sentence is deleted from section 5: "However, sales and deliveries of Quebracho extracts for use in pharmaceuticals or boiler compounds are not covered by this regulation but remain subject to the General Maximum Price Regulation or the Maximum Import Price Regulation, whichever is applicable."

2. The following new subparagraph (6) is added to section 7 (a):

(6) *Solid quebracho extract shipped from Montevideo.* In the case of sales to industrial users of solid quebracho extract (or of ground or powdered, and liquid extracts manufactured therefrom) which was transferred by lighter from Buenos Aires to Montevideo and thence shipped to Atlantic ports in the United States, the importers' maximum ex dock prices and liquefiers' and grinders' maximum prices established by this regulation may be increased by the actual cost of transferring the material from Buenos Aires to Montevideo: *Provided, however,* That in the case of importers' sales ex dock, such additional charge may in no event exceed the difference in inland freight to the industrial buyer's plant from New Orleans and the actual Atlantic coast port of arrival, and in the case of sales by liquefiers and grinders, such additional charges may in no event exceed the addition permitted by subparagraph (5) for material landed in New Orleans.

3. The following paragraph is added at the end of section 7 (b):

Maximum prices established under this paragraph (b) prior to February 1, 1945, may be increased by the following amounts per 100 pounds:

Solid quebracho extract	$0.83
Ground or powdered clarified quebracho extract, basis 70% tannin	.90
Ground or powdered quebracho extract, no tannin basis (for oil well drilling purposes)	$0.83
Liquid quebracho extract, basis 35% tannin	.45
Spray-dried clarified quebracho extract, basis 70% tannin	.90

4. By inserting the following sentence at the end of subparagraph (1) of Appendix A (a): "The maximum prices set forth above may be increased .83 cents per pound."

5. By inserting the following sentence at the end of subparagraph (1) of Appendix B (a): "The maximum prices set forth above may be increased .90 cents per pound."

6. By inserting the following sentence at the end of subparagraph (2) of Appendix B (a): "The maximum prices set forth above may be increased .83 cents per pound."

7. By inserting the following sentence at the end of subparagraph (3) of Appendix B (a): "The maximum prices set forth above may be increased .45 cents per pound."

This amendment shall become effective February 15, 1945.

Issued this 10th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2392; Filed, Feb. 10, 1945; 12:02 p. m.]

PART 1305—ADMINISTRATION

[Supp. Order 45, Amdt. 12]

EXEMPTION FROM PRICE CONTROL OF CERTAIN COMMODITIES AND SERVICES

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.*

Supplementary Order No. 45 is amended in the following respects:

1. Section 1305.59 (a) (2) is amended by removing therefrom the following commodity:

Novelties made of butterfly wings, sea shells, gourds.

2. Section 1305.59 (a) (2) is amended to include the following commodities:

Decorative place cards (other than paper)
Poker chip racks
Miniature furniture used as containers for flowers, candy, cigarettes, etc.

3. Section 1305.59 (a) (3) is amended by removing therefrom the following commodities:

Artificial flowers, leaves and foods for store display purposes
Dog and cat beds and diners

4. Section 1305.59 (a) (3) is amended to include the following commodities:

Hand fans
Novelties made of alabaster, marble, onyx, shell, bark, bone, horn, butterfly wings and gourds
Artificial or preserved grass, plants, stems, vines, fruits, flowers, leaves and foods
Aluminum horse shoes
Safety air vents for wine fermentation
Bird cages and bird cage stands

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*Copies may be obtained from the Office of Price Administration.

[2] 9 F.R. 4893, 8255, 10264, 11903; 10 F.R. 117.

Party novelties made in part of candy, nuts or cosmetics
Wire forms for floral wreaths and wire easels for floral displays
Ship bells
Sleigh bells
Miniature and scale model furniture sold for use in sales promotion
Mineral, geological, botanical and zoological specimens and microscopic slides for educational purposes
Hand carved wood wall brackets, wall pockets, stand sets and sconces
Dog and cat beds, cushions, mattresses and diners

This amendment shall become effective on the 17th day of February 1945.

Issued this 12th day of February 1945.

CHESTER BOWLES,
Administrator.

For the reasons set forth in the accompanying statement of considerations, and by virtue of the authority vested in me by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, I find that the issuance of this amendment is necessary to aid in effectuating the policy of Executive Orders Nos. 9250 and 9328.

FRED M. VINSON,
Economic Stabilization Director.

[F. R. Doc, 45-2447; Filed, Feb. 12, 1945; 11:26 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 220, Amdt. 18]

CERTAIN RUBBER COMMODITIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 220 is amended by adding § 1315.1557d to read as follows:

§ 1315.1557d *Maximum prices for synthetic rubber bands made from buna-S (GR-S)*—(a) Applicability. This section, and not §§ 1315.1553 to 1315.1557, inclusive, establishes maximum prices for sales by manufacturers of synthetic rubber bands made from buna-S (GR-S). This section also establishes maximum prices for sales by wholesalers and dealers of these rubber bands. A "sale by a dealer" is a sale by a person who purchases for resale to a user.

(b) *Maximum prices for sales by manufacturers and for sales by wholesalers to dealers.* The maximum prices for sales by manufacturers to all purchasers and for sales by wholesalers to dealers of the synthetic rubber bands covered by this section shall be as follows:

MAXIMUM PRICES BEFORE CASH DISCOUNTS [1] [2]

[Prices per pound]

Package put up—	1-9 pounds	10-49 pounds	50-99 pounds	100-199 pounds	200-499 pounds	500 pounds and over
1 pound box	$1.05	$0.80	$0.74	$0.70	$0.68	$0.64
¼ pound folding box	1.15	.90	.835	.79	.765	.72
¼ pound rigid box	1.20	.95	.88	.835	.81	.76
2 ounce box	1.25	1.00	.925	.88	.85	.80
1 ounce box	1.35	1.10	1.02	.965	.935	.88
5 pound bag	1.03	.78	.72	.685	.665	.625
Band tubes	1.01	.76	.705	.665	.645	.61

[1] These prices are for standard sizes 8, 10, 12, 14, 16, 18, 19, 30, 31, 32, 33, 50, 62, 64, 84, 94, 105 and assorted. For sizes 6 and 7 add 15 cents per pound to the above prices. For special sizes (bands cut from standard size tubes but of nonstandard width) the above maximum prices apply except that the minimum quantity order for sales by manufacturers shall be 25 pounds. For nonstandard sizes (bands cut from nonstandard tubes) the above maximum prices apply except that the minimum quantity order for sales by manufacturers shall be 100 pounds.
[2] Terms shall be 2 percent 10th proximo.
[3] Freight allowances shall be as follows: Freight allowed on shipments of 100 pounds of bands for complete delivery at one time to any point east of the Mississippi River and including river towns bordering on the west bank of the Mississippi River. $2.50 per 100 pounds of bands allowed for complete delivery at one time to other points.

(c) *Maximum prices for sales by dealers.* The maximum prices for sales by dealers of the synthetic rubber bands covered by this section shall be as follows:

MAXIMUM PRICES BEFORE CASH DISCOUNTS [1]

[Prices per pound]

Package put-up	1-4 pounds	5-9 pounds	10-49 pounds	50-99 pounds	100-199 pounds	200-499 pounds	500 pounds and over
1 pound box	$1.50	$1.26	$1.14	$1.06	$1.00	$0.97	$0.91
¼ pound box [2]	1.80	1.62	1.29	1.20	1.13	1.09	1.03
1 ounce box [3]	2.50	2.25	1.57	1.46	1.37	1.33	1.26
5 pound bag		1.47	1.11	1.03	0.97	0.94	0.89

[1] These prices are subject to the cash discount and freight allowance terms which the dealer had in effect during October, 1941.
[2] The price per box for sales of less than one pound shall be $0.50.
[3] The price per box for sales of less than one pound shall be $0.20.

(d) *Notification.* With or prior to the first delivery of any synthetic rubber band covered by this section to a dealer the manufacturer or wholesaler shall notify the dealer of the maximum dealer prices set forth in paragraph (c) of this section.

This amendment shall become effective February 17, 1945.

Issued this 12th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2442; Filed, Feb. 12, 1945; 11:27 a. m.]

*Copies may be obtained from the Office of Price Administration.

PART 1335—CHEMICALS

[MPR 575]

PRIMARY CHROMIUM CHEMICALS

A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Sec.
1. Prohibition against sales of chromium chemicals at higher than maximum prices.
2. Less than maximum prices.
3. Adjustable pricing.
4. Applicability of this regulation and relationship to other maximum price regulations.
5. Records and reports.
6. Evasion.
7. Enforcement.
8. Licensing.
9. Petitions for amendment.
10. Maximum prices for primary chromium chemicals.

AUTHORITY: § 1335.1055, issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECTION 1. *Prohibition against sales of chromium chemicals at higher than maximum prices.* On and after February 17, 1945 regardless of any contract, agreement, lease, or other obligation:

(a) No person making a sale of a chromium chemical for which maximum prices are established by this regulation shall sell, deliver, or transfer such chromium chemical at prices higher than the maximum prices established under this regulation.

(b) No person purchasing a chromium chemical for which maximum prices are established by this regulation shall buy or receive such chromium chemical in the course of trade or business at higher prices than the maximum prices established under this regulation.

(c) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

SEC. 2. *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

SEC. 3. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

SEC. 4. *Applicability of this regulation and relationship to other maximum price*

regulations—(a) *Applicability.* This regulation applies only to technical grades of the following chromium chemicals:

(1) Sodium Bichromate:
  (i) crystal and granular, approximately 99% to 100% $Na_2Cr_2O_7.2H_2O$.
  (ii) liquor, approximately 70% crystal content.
(2) Potassium Bichromate, crystal and granular, or powder, approximately 99% to 100% $K_2Cr_2O_7$.
(3) Sodium Chromate, neutral:
  (i) anhydrous, approximately 99% to 100% Na_2CrO_4.
  (ii) crystal, approximately 99% to 100% $Na_2CrO_4.4H_2O$.
  (iii) liquor, approximately 35% $Na_2Cr_2O_7.2H_2O$ equivalent.
(4) One-Bath Chromium Tanning Compounds:
  (i) dry basic chromium sulphate type, 22% to 25% Chromium Oxide
  (ii) all others, dry or liquid, various concentrations of chromium oxide.
(5) Chromic Acid (Chromium Trioxide), approximately 99.5% to 100% CrO_3.

This regulation does not apply to:

(6) The so-called "pure" (as distinguished from technical) grades of the above chromium chemicals. Examples of the pure grades which continue to be subject to the General Maximum Price Regulation are: Pure; C. P. (Chemically Pure); U. S. P. (U. S. Pharmacopoeia); and A. R. (Analytical Reagent).

(7) Any chromium chemical other than those listed in subparagraphs (1), (2), (3), (4) and (5) of this section. Examples of such chemicals which continue to be subject to the General Maximum Price Regulation are: Potassium Chromate; Ammonium Bichromate.

(b) *Relationship of this regulation to the General Maximum Price Regulation.*[1] The provisions of this regulation supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries of chromium chemicals covered by this regulation, except that the following sections of the General Maximum Price Regulation shall apply to sales and deliveries covered by or sellers subject to this regulation:

(1) § 1499.5 Transfers of business or stock in trade.
(2) § 1499.11 Base period records.
(3) § 1499.14 Sales slips and receipts.

(c) *Relationship of this regulation to the Maximum Import Price Regulation.*[2] The provisions of this regulation shall not apply to sales and deliveries of imported chromium chemicals, which are governed by the Maximum Import Price Regulation.

(d) *Relationship of this regulation to the Second Revised Maximum Export Price Regulation.*[3] The provisions of this regulation shall not apply to sales and deliveries of chromium chemicals for export, which are governed by the Second Revised Maximum Export Price Regulation.

(e) *Geographical applicability.* The provisions of this regulation shall be applicable to the forty-eight states of the United States and the District of Columbia.

[1] 9 F.R. 1385, 5169.
[2] 9 F.R. 2350.
[3] 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036.

SEC. 5. *Records and reports.* (a) Every person making sales after February 16, 1945 of chromium chemicals for which maximum prices are established under this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records of each purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price contracted for or received and the quantity of each type and grade of such chromium chemicals purchased or sold.

(b) Every person making sales after February 16, 1945 of primary chromium chemicals for which maximum prices are established by section 10 (b) (2) hereof, shall also keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect, records showing as precisely as possible the basis upon which he determined maximum prices under said section.

(c) The persons mentioned in paragraphs (a) and (b) above shall keep such other records and shall submit such other reports to the Office of Price Administration in addition to or in place of the records required in said paragraphs or the reports mentioned in section 11 hereof as the Office of Price Administration may from time to time require subject to approval by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

SEC. 6. *Evasion.* Price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to chromium chemicals, alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge, discount, premium, or other privilege, or other trade understanding, or by transactions with or through the agency of subsidiaries or affiliates, or otherwise.

SEC. 7. *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

SEC. 8. *Licensing.* The provisions of Licensing Order No. 1,[4] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 9. *Petitions for amendment.* Any person seeking an amendment to any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.[5]

[4] 8 F.R. 13240.
[5] 7 F.R. 3961; 8 F.R. 3315; 3533, 6173, 11806; 9 F.R. 1594.

SEC. 10. *Maximum prices for sales of primary chromium chemicals.* Maximum prices for sales of primary chromium chemicals shall be the prices set forth below or prices determined by the method set forth below. Except where otherwise specificed, such prices shall be subject to the same discounts, credit terms, and all other trade allowances and practices prevailing on a transaction of the same type by the same seller during March, 1942. Except as permitted herein, maximum prices shall not be increased by any charge for containers or brokers fees.

If the buyer purchases through a broker or other agent acting for the buyer, the sum of the price paid by the buyer to the seller plus the commission fee or other charge paid by the buyer to his broker or other agent may not exceed the maximum prices established by this regulation.

(a) *Maximum prices for sales of one-bath chromium tanning compounds other than dry basic chromium sulphate types.* Each manufacturer and each reseller of one-bath chromium tanning compounds other than dry basic chromium sulphate types shall file an application for the establishment of maximum prices with the Rubber, Chemicals and Drugs Price Branch, Office of Price Administration, Washington 25, D. C. Such application shall be submitted by registered mail prior to sale and shall be accompanied by a description of the particular type of one-bath tanning compound and its chromium oxide contents, the nature of the transaction involved, the maximum price under the General Maximum Price Regulation, the current selling price, and the maximum price proposed. Resellers shall also show their markups.

Sales may be made at such proposed prices after the date of mailing such application, subject, however, to the following conditions: No payment may be collected in excess of the seller's maximum price under General Maximum Price Regulation until a maximum price has been established under this paragraph. If, at the expiration of 20 days from the date of receipt of the application containing all the information specified above, the Price Administrator has not in writing disapproved or modified the proposed maximum price, such proposed price may be considered as authorized: *Provided, however,* That if applicant has failed to submit promptly accurate and complete information in accordance with the provisions of this paragraph, a sale at the proposed price, if it is higher than the correctly determined price, is a violation of this regulation even though the 20 day period elapses without receipt of any communication from the Office of Price Administration. In such case the ceiling price applicable to the sale in question is the maximum price finally established.

In general the prices established under this paragraph shall be in line with the level of maximum prices established by this regulation. The Price Administrator may at any time, by order, disapprove and modify any maximum price established under this paragraph and may require refunds where an unauthorized price is modified.

(b) *Maximum prices for sodium bichromate, sodium chromate, potassium bichromate, and one-bath chromium compounds, dry basic chromium sulphate types*—(1) *Sales from producing plants.* These prices are per 100 pounds net weight, f. o. b. works, freight equalized with nearest competitor's producing point, except in the case of one-bath chromium compounds, dry basic chromium sulphate types, where the prices are f. o. b. works without freight equalization. However, deliveries of 400 pounds or more in the Metropolitan New York area may be made "delivered to purchaser's receiving point" at an additional charge of 25 cents per cwt. For deliveries within this area of quantities of less than 400 pounds, a flat charge of 75 cents for the delivery may be added.

Where dry bichromates and chromates and one-bath chromium tanning compounds, dry basic chromium sulphate types are shipped in containers other than bags, the following amounts may be added to the maximum prices specified below:

	Per 100 pounds
Barrels containing approximately 350–400 lbs	$0.125
Casks containing approximately 750 lbs	.125
Kegs containing 200 lbs	.50
Kegs containing 100 lbs	1.00

"Contract sales" as used herein refers to sales involving a commitment to supply a buyer's requirements for a period of at least one year and also to any sale of more than one carload in a single delivery. All other sales shall be considered spot sales. Where quantity differentials are shown, the applicable price for either spot or contract sale shall be determined on the basis of the total quantity of primary chromium chemicals (except chromic acid and one-bath chromium tanning compounds) involved in the spot sale or contracted for delivery during four successive quarters.

(i) *Dry Bichromates and Chromates.* In bags, per 100 pounds.

	Sodium bichromate (crystal or granular)	Potassium bichromate (crystal or granular)	Potassium bichromate (powder)	Neutral sodium chromate (anhydrous or crystal)
Contract sales				
200,000 lbs. or more	$7.50	$9.75	$10.25	$8.875
50,000–199,999 lbs. or a single carload	7.625	9.875	10.375	9.00
4,000–49,999 lbs	7.875	10.125	10.625	9.25
Spot sales				
Single carload (36,000 lbs.)	7.75	10.00	10.50	9.125
4,000–35,999 lbs	7.875	10.125	10.625	9.25
Less than 4,000 lbs	8.125	10.375	10.875	9.50

(ii) *Sodium bichromate liquor and neutral sodium chromate liquor.* The maximum prices for sodium bichromate liquor and neutral sodium chromate liquor shall be 25 cents per 100 pounds below the maximum prices listed above for the equivalent weight of sodium bichromate crystals contained.

(iii) *One-bath chromium tanning compounds, dry basic chromium sulphate types, 22% to 25% chromium oxide.*

	In bags, per 100 pounds
Contract	$6.75
Spot	7.25

(2) *Sales from local stocks maintained at warehouses located at points other than producing plants.* The maximum prices for sales from local stocks maintained at warehouses located at points other than producing plants of the materials listed in subdivisions (i), (ii) and (iii) above shall be such seller's maximum prices as determined under the provisions of the General Maximum Price Regulation, plus the following additions:

	Per 100 pounds	
Dry bichromates and chromates	$0.50	
Bichromate and chromate liquors	.50	(equivalent weight of sodium bichromate crystals contained)
One-bath chromium tanning compounds (dry basic chromium sulphate types)	.25	

(c) *Chromic acid. Maximum prices for sales by all sellers in drums.* The following prices are delivered to purchaser's receiving point. Quantities shipped at one time determine price classification.

	Per 100 pounds net weight			
	Zone 1	Zone 2	Zone 3	Zone 4
Carload (36,000 lbs.)	$17.00	$17.50	$17.90	$18.10
Minimum 5 tons	17.50	18.10	18.95	19.00
Minimum 1 ton	18.00	18.60	19.45	19.50
Minimum 400 lbs	18.50	19.10	19.95	20.00
Minimum 100 lbs	19.00	19.60	20.45	20.50
Less than 100 lbs	19.25	19.85	20.70	20.75

A seller may require the return of 200-pound or 400-pound drums, but if this is done, the maximum prices listed above for chromic acid shall be reduced 15 cents per drum for sales in drums of less than 400 pounds and 25 cents per drum for sales in 400-pound drums. A deposit charge of $6.00 for each 200-pound drum and $7.00 for each 400-pound drum may be made which must be credited or refunded to the buyer upon receipt of the drums by the seller, freight collect, and in good condition, reasonable wear and tear excepted.

As used in this subparagraph (3) "Zones" mean:

Zone one: South of Canadian border, east of the Mississippi River, north of the northern boundary of Tennessee and North Carolina, including principal cities on the west bank of the Mississippi, north of the Arkansas line, among others the principal ones being St. Paul, Minneapolis, Duluth, and St. Louis.

Zone two: South of the northern boundary of Tennessee and North Carolina and east of the Mississippi. New Orleans being included in Zone Two.

Zone three: South of the Canadian border, west of the Mississippi (with exceptions set forth in Zones One and Two). North of the Mexican border, and east of the western boundary of Idaho, Utah and Arizona.

Zone four: South of the Canadian border, north of the Mexican border, and west of the western boundary of Idaho, Utah and Arizona.

Effective date. This regulation shall become effective February 17, 1945.

NOTE: All record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 12th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–2446; Filed, Feb. 12, 1945; 11:28 a. m.]

PART 1340—FUEL

[MPR 120,[1] Amdt. 130]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 120 is amended in the following respects:

1. In inferior subdivision (*a*) of § 1340.210(a) (16) (i) the following is added: "Run of mine and resultant coals (low volatile Size Groups 7 for rail shipment and 4 for truck shipment and high volatile Size Groups 16 and 17 for rail shipment and 4 for truck shipment) may be increased by 15 cents per net ton rather than 5 cents only when sold for delivery to purchasers who are not reselling under Revised Maximum Price Regulation No. 122."

2. In inferior subdivision (c) of § 1340.210(a) (16) (ii) the following is added: "Run of mine and resultant coals (Size Groups 7, 8 and 9 for all methods of shipment) may be increased by 15 cents per net ton rather than 5 cents only when sold for delivery to purchasers who are not reselling under Revised Maximum Price Regulation No. 122."

3. In subparagraph (16) of § 1340.210 (a) a new subdivision (iii) is added to read as follows:

(iii) A mine which has operated on February 4, or February 18, 1945, and has properly paid double time to its employees under Executive Order No. 9240 for operation on those dates may make the extra charges provided for seven consecutive day operation.

This amendment shall become effective as of February 3, 1945.

Issued this 10th day of February 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45–2421; Filed, Feb. 10, 1945; 4:38 p. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 9 F.R. 5042, 5375, 5587.

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 1,[1] Supp. 7, Incl. Amdts. 1–21]

PACKED FRUITS, BERRIES AND VEGETABLES OF THE 1944 AND LATER PACKS

This compilation of Supplement 7 to Food Products Regulation 1 includes Amendment 21, effective February 17, 1945. The text added or amended by Amendment 21 is underscored. Deletions are indicated by notes.

A statement of the considerations involved in the issuance of this supplement has been issued and filed with the Division of the Federal Register.[2]

ARTICLE I—EXPLANATION OF THE SUPPLEMENT

Sec.
1. Explanation of the supplement.
2. Applicability of Food Products Regulation No. 1.
3. Definitions.

ARTICLE II—PRICING PROVISIONS

4. Explanation of pricing methods for processors.
5. Maximum prices for sales by processors—Pricing Method No. 1; products covered by Pricing Method No. 1.
6. Maximum prices for sales by processors—Pricing Method No. 2.
7. Maximum prices for secondary processors and repackers.
8. Maximum prices for sales by processors of prior years' packs of listed products which have been sold to them by government agencies.
9. Label and labor allowances.
10. Provisions of Article II of Food Products Regulation No. I applicable to this supplement.

ARTICLE III—MISCELLANEOUS PROVISIONS

11. Grades and invoices.
12. Container sizes.
13. Reports which processors must file.
13a. Individual adjustment of processors' maximum prices for products covered by Pricing Method No. 2.
14. Provisions of Article III of Food Products Regulation No. 1 applicable to this supplement.

ARTICLE IV—PRICING APPENDICES

15. Appendices for packed vegetables priced under Pricing Method No. 1.
16. Appendices for packed fruits priced under Pricing Method No. 1.

AUTHORITY: Secs. 1 to 16, inclusive, (§ 1351.394) issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

ARTICLE I—EXPLANATION OF THE SUPPLEMENT

SECTION 1. *Explanation of the supplement*—(a) *What products are covered by this supplement.* In general this supplement established maximum prices for the 1944 and later packs of the canned fruits, berries and vegetables listed at the beginning of section 5 and 6 respectively, and other which may be added from time to time. It also covers other closely related packed food products. However, this supplement does not apply to any listed product which is packed and sold as "baby food", as "junior food" or as "soup". It covers most of the products which were covered by Maximum Price Regulation 306[3] (Certain Packed Food Products) plus certain additional products.

The general pricing provisions of this supplement are divided into two methods, respectively designated "Pricing Method No. 1", which is set forth in section 5, and "Pricing Method No. 2", which is set forth in section 6. The products covered by Pricing Method No. 1 are listed at the beginning of section 5, together with reference to the applicable appendix containing special pricing provisions for each of the products and the section in which the appendix appears. The products covered by Pricing Method No. 2 are listed at the beginning of section 6.

The provisions of this supplement apply to products packed during the year 1944 (and after), except that as to products on which a subsidy is payable the supplement applies to products packed during the period March 1, 1944 to April 30, 1945 (see section 5 (a) (1) (iii)). If the major portion of the pack of any product, other than a product on which a subsidy is payable, was packed during 1944, the product shall be deemed to be of the 1944 pack.

In addition, the supplement provides maximum prices for resale of earlier years' packs which have been purchased from the government (see section 8).

[Paragraph (a) amended by Am. 2, 9 F.R. 10194, effective 8–19–44; Am. 3, 9. F.R. 10356, effective 8–23–44; corrected 9 F.R. 11109, effective 9–13–44; Am. 4, 9 F.R. 10497, effective 8–28–44; Am. 5, 9 F.R. 10630, effective 8–29–44; Am. 6, 9 F.R. 10709, effective 8–30–44; Am. 8, 9 F.R. 10921, effective 9–5–44; Am. 9, 9 F.R. 11535, effective 9–18–44; Am. 10, 9 F.R. 11793, effective 9–25–44; Am. 12, 9 F.R. 12125, effective 10–4–44; Am. 14, 9 F.R. 13590, effective 11–16–44; and Am. 15, 9 F.R. 13631, effective 11–17–44]

(b) *What sellers are covered by this supplement.* This supplement applies to sales by all persons except wholesalers and retailers.

However, sales and deliveries of products covered by this supplement by a processor in any calendar year in which his total volume of sales of the products does not exceed 1,500 quarts (or an equivalent amount in other container sizes) are not subject to the maximum prices or other requirements imposed by this supplement.

(c) *Where this supplement applies.* This supplement applies in the 48 states of the United States and the District of Columbia.

(d) *What this supplement supersedes.* This supplement supersedes the provisions of all other maximum price regulations and orders as to the commodities and sellers covered.

(e) *When this supplement is effective.* This supplement becomes effective July 31, 1944.

The "effective date" of this supplement as to any product covered by it shall be the date when the pricing provisions of the supplement first became applicable to it.

SEC. 2. *Applicability of Food Products Regulation No. 1.* Important: Not all of the provisions affecting the maximum prices of the listed packed food products are stated in this supplement. Those which are not specifically set forth here are stated in Food Products Regulation No. 1, and they are just as much a part of this supplement as if they were printed here. The "explanation of the regulation" is also a part of this supplement.

The particular sections of Food Products Regulation No. 1 which are applicable to this supplement are listed in appropriate places in the following sections (in each case, the section number set forth in parentheses is the appropriate section number of Food Products Regulation No. 1). When any applicable section of the regulation is amended, the amendment also is applicable to this supplement.

SEC. 3. *Definitions.* (a) When used in this supplement the term:

"Packed" means processed and enclosed in any container, whether or not hermetically sealed. However, the term does not include any product when processed by freezing, drying or dehydrating, nor does it include any of the packed products known as preserves, relishes or pickles packed from other than fresh vegetables.

[Above definition amended by Am. 20, 10 F.R. 841, effective 1–25–45]

"Packed fruits" means any specified packed fruit, mixture of fruits, juice and nectar or any mixture of juices, or products made from specified fruits.

"Packed berries" means any specified packed berry, mixture of berries, juice and nectar or any mixture of juices, or products made from specified berries.

"Packed vegetables" means any specified packed vegetable, mixture of vegetables, juice or any mixture of juices, or products made from specified vegetables.

"Secondary processor" means a processor who purchases the kind of processed product being priced in bulk, barrels or other large containers and further processes and repacks it in containers other than the original container in which the commodity was shipped to him.

"Price range" means the range of prices named in the applicable appendix for a particular grade, variety and container type and size of product within which all maximum prices for processors of items of that description must fall.

"F. O. B. shipping point" means f. o. b. factory in cases where the processor sold the item being priced on an f. o. b. factory basis during the applicable base

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[1] 9 F.R. 9493.

[2] Statements of consideration are filed simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

[3] 9 F.R. 12451.

period. It means f. o. b. branch warehouse in cases where he sold it from branch warehouses during that period.

"Area" or "pricing area" means the area in which the processor's factory is located, as shown in the applicable appendix.

[Above definition added by Am. 2, 9 F.R. 10194, effective 8–19–44]

(b) The definitions of the following terms, set forth in the designated sections of Food Products Regulation No. 1, are applicable to this supplement:

"Person" (sec. 1.1 of FPR 1).
"Processor" (sec. 1.2 of FPR 1).
"Distributor" (sec. 1.3 of FPR 1).
"Repacker" (sec. 1.4 of FPR 1).
"Primary distributor" (sec. 1.5 of FPR 1).
"Wholesaler" and "retailer" (sec. 1.6 of FPR 1).
"Ultimate consumer" (sec. 1.7 of FPR 1).
"Item" (sec. 1.8 of FPR 1). Different subgrades of the same grade shall not constitute separate items.
"Container type" (sec. 1.9 of FPR 1).
"Sale" (sec. 1.10 of FPR 1).
"Price" (sec. 1.11 of FPR 1).
"Net delivered cost" (sec. 1.12 of FPR 1).
"Delivered to the customary receiving point" (sec. 1.13 of FPR 1).
"Records" (sec. 1.14 of FPR 1).

ARTICLE II—PRICING PROVISIONS

SEC. 4. *Explanation of pricing methods for processors.* Processors' maximum prices for the products covered by this supplement are figured under two general methods.

(a) *Pricing Method No. 1.* Under Pricing Method No. 1, as set forth in section 5, the processor in most cases figures his maximum price by taking his weighted average selling price for the item being priced during the first 60 days after the beginning of the 1941 pack (or other base period named in the applicable appendix) and adding a specified permitted increase. The resulting figure is the processor's "gross maximum price" (that is, the maximum price before subtraction of any direct subsidy payable per unit of the finished product), provided that it falls within the price range fixed for the item in the appendix. If it is higher than the highest price named in the price range, the processor's gross maximum price is the highest price named in the price range. Likewise, if it is lower than the lowest price named in the price range, the processor's gross maximum price is the lowest price named in the price range.

For sales to government procurement agencies, the processor figures his maximum price by taking 96% of his gross maximum price. (Gross maximum prices, it should be remembered, must fall within the applicable price range).

If the processor sold the particular product during the base period, but only in a grade, style, or container type or size which is different from the one being priced, or for which no price range is provided, he figures his maximum price by the same general pricing method, supplemented by the use of conversion factors (for different container types and sizes, different styles, and different grades). Whenever figuring a conversion from metal containers to glass containers the processor must first construct a maximum price for the item packed in metal and then convert it to a maximum price for the item packed in glass, even though the item was packed in glass containers during the base period. The reason for this is that the permitted increases and price ranges are constructed entirely on products packed in metal containers. In each case the conversion factors to be used are set forth in the appendix applicable to the product.

[Above paragraph amended by Am. 2, 9 F.R. 10194, effective 8–19–44]

If the processor was not in business during 1941 or if he made no sales of the product during the base period, of goods produced in a particular area, he figures his gross maximum price for the item being priced by using as his gross maximum price the specific dollars-and-cents price named in the applicable appendix. (However, if he is subject to section 14 (g), covering transfers of business or stock in trade, he uses the base price of his transferor and figures a maximum price in the same manner as his transferor would have figured it.) In cases where a specific dollars-and-cents price is not provided for the item, he figures his gross maximum price by applying the appropriate conversion factor to the specific dollars-and-cents price named for the nearest container size, style and grade of the product.

[Above paragraph amended by Am. 2, 9 F.R. 10194, effective 8–19–44; and Am. 13, 9 F.R. 12267, effective 10–7–44]

For any item of a product on which a direct subsidy is payable, the processor figures his maximum price for sales to purchasers other than government procurement agencies by subtracting from his gross maximum price the amount of the subsidy payable per unit of the finished product. The amount of the subsidy to be subtracted is specifically set forth in the applicable appendix for each container size for which a price range is established, and the amount of the subsidy for any other container size being priced must be figured by applying the appropriate conversion factors named in the appendix.

(b) *Pricing Method No. 2.* Under Pricing Method No. 2, as set forth in section 6, the processor in most cases figures his maximum price by: (1) taking his 1943 maximum price for sales of the items to purchasers other than government procurement agencies, as figured under the general formula pricing provisions of Maximum Price Regulation 306 or 493,[4] less the amount of any adjustment for approved wage rate increases required to be figured under the applicable regulation; (2) adjusting this figure for approved increases in wage rates, by multiplying it by the appropriate figure named in section 6 for the product; (3) subtracting from the resulting figure 2 per cent of that figure; (4) subtracting his 1943 raw material cost; (5) adding his 1944 raw material cost; and (6) subtracting any direct subsidy payable per unit of the finished product. The resulting figure is the processor's maximum price for sales of the item to purchasers other than government procurement agencies. This general provision does not apply to the pricing of any item for which the 1942 or 1943 maximum price was determined by using a competitor's maximum price or by specific authorization, nor does it apply to the pricing of vegetable greens.

A somewhat similar pricing method is provided for pricing an item by a processor who did not establish a maximum price for the 1943 pack under the general formula provisions of Maximum Price Regulation 306 or 493. Under this method generally the processor figures his maximum price by: (1) taking his 1942 maximum price for the item as required to be figured under the general formula provisions of Maximum Price Regulation 153[5] or 185[6] or Revised Maximum Price Regulation 233;[7] (2) subtracting his 1942 raw material cost; (3) adding his 1944 raw material cost; (4) adjusting this figure for approved increases in wage rates; (5) subtracting from the resulting figure 2 per cent of that figure and (6) subtracting any direct subsidy payable per unit of the finished product. The resulting figure is the processor's maximum price for sales of the item to purchasers other than government procurement agencies. Processors of vegetable greens other than spinach are required to price under this method subject to the qualification, however, that they must refigure their weighted average selling price in 1941 on the basis of sales made during the first 60 days of the spring and the first 60 days of the fall packs.

Maximum prices for sales to government procurement agencies are figured at 96 percent of the maximum price (plus subsidy) for sales to purchasers other than government procurement agencies under section 2.12 of Food Products Regulation No. 1, which is made applicable to this supplement.

Section 6 also has special provisions for pricing items in certain metal containers and a pricing method for converting from tin to glass which is similar to provisions contained in Maximum Price Regulations 306 and 493. Also, special provisions are made for figuring raw material costs in certain cases.

[Paragraph (b) amended by Am. 15, 9 F.R. 13631, effective 11–17–44]

SEC. 5. *Maximum prices for sales by processors—Pricing Method No. 1; products covered by Pricing Method No. 1.* The products covered by Pricing Method No. 1 are listed below, together with reference to the applicable appendix containing special pricing provisions for each of these products and the section in which the appendix appears.

[4] 8 F.R. 15697, 16664; 9 F.R. 99, 1121, 1597, 2288.

[5] 7 F.R. 3895, 3963, 4453, 5138, 5363, 6219, 6266, 6472, 8448.

[6] 7 F.R. 5772, 5983, 7530, 8448, 10684, 11075; 8 F.R. 490.

[7] 7 F.R. 10685; 8 F.R. 2998, 4628, 4632, 11739, 14852.

	Appendix	Section
Spinach	A	15
Asparagus	B	15
Red sour pitted cherries	A	16
Peas (except blackeye, crowder, cream, and field)	C	15
Apricots, halves (unpeeled), whole (unpeeled), and whole (peeled) California only	B	16
Sweet cherries, light unpitted, California, Oregon, and Washington only	C	16
Yellow cling peaches, halves, sliced, quartered, and diced, California only	D	16
Snap beans	D	15
Tomatoes (except Italian pear shaped)	E	15
Corn	F	15
Bartlett pears, halves (peeled), quarters (peeled), and diced, California only; halves (peeled) Oregon and Washington only	E	16
Fruit cocktail, California only	F	16

[Note deleted and table amended by Am. 21, effective 2-17-45]

The processor shall figure a maximum price for each factory at which he processes the item being priced. (However, he may then elect to combine prices as provided in section 10 (f)).

[Above two paragraphs amended by Am. 2, 9 F.R. 10194, effective 8-19-44; Am. 7, 9 F.R. 10714, effective 8-30-44; Am. 9, 9 F.R. 11535, effective 9-18-44; Am. 13, 9 F.R. 12267, effective 10-7-44; and Am. 15, 9 F.R. 13631, effective 11-17-44]

When used in this section, the phrase "sold during the base period" or "not sold during the base period", or words of similar import, refer to sales of the product, of goods produced in a particular area.

[Paragraph reinstated by Am. 21, effective 2-17-45]

(a) *Maximum prices for sales by processors to purchasers other than government procurement agencies of products sold during the base period.* For products sold in any form during the base period, the processor figures his maximum price for sales to purchasers other than government procurement agencies under this paragraph (a), under the particular subparagraph listed below which is applicable to the item being priced:

To price items sold during the base period and for which price ranges are provided. (See subparagraph (1) below).

To price items sold during the base period but for which price ranges are not provided. (See subparagraph (2) below).

To price items not sold during the base period but for which price ranges are provided. (See subparagraph (3) below).

To price items not sold during the base period and for which price ranges are not provided. (See subparagraph (4) below).

The processor who performs the wholesale or retail function with respect to the item being priced (that is by warehousing and selling it in less-than-carload quantities, from a branch warehouse owned or controlled by him, to retailers, or to commercial, industrial or institutional users) shall, in each case, figure his maximum price for sales in this manner under the general pricing methods of this paragraph (a) except that he shall not apply the limitations of the price range in any situation covered by this paragraph.

(1) *To price items sold during the base period and for which price ranges are provided.* For sales to purchasers other than government procurement agencies, the processor shall figure his maximum price per dozen containers or other unit, f. o. b. shipping point, of an item which he sold during the base period, and for which a price range is provided, as follows. He shall:

(i) *Determine the base price.* First, the processor shall figure his weighted average price per dozen containers or other unit, f. o. b. shipping point, for the item being priced during the first 60 days after the beginning of the 1941 pack or other base period named in the appendix covering the particular product. (This average price will be called the "base price"). "Weighted average price" means the total gross sales dollars charged for the item during the base period divided by the number of dozens of containers or other units of that item sold. All sales made in the regular course of business during the base period shall be included, regardless of the date of delivery, except sales made to the armed forces of the United States. Sales contracts made at times other than during the base period shall not be included, even though delivery was made during the base period. The processor shall figure a separate weighted average price for each item, except that a single weighted average price shall be figured for items which differ only in brand name. (Subgrades shall also be ignored.)

In figuring weighted average prices during the base period, the processor may, if he wishes, figure a single weighted average for any group of factories located in the same pricing area. For this purpose, the processor shall include all sales (as described above) made during the first 60 days after the beginning of the 1941 pack at each factory included in the group.

[Above paragraph added by Am. 2, 9 F.R. 10194, effective 8-19-44; amended by Am. 7, 9 F.R. 10714, effective 8-30-44]

(ii) *Add the permitted increase.* Next, the processor shall add to the base price the permitted increase named for the item in the applicable appendix. The resulting figure is the processor's "gross maximum price" per dozen containers or other unit, f. o. b. shipping point, for sales to purchasers other than government procurement agencies: *Provided,* That it falls within the applicable price range. However, if it is higher than the highest price named in the price range, the processor's gross maximum price is the highest price named in the price range. Likewise, if it is lower than the lowest price named in the price range, the processor's gross maximum price is the lowest price named in the price range.

(iii) *Subtract any direct subsidy payable per unit of the finished product.* Finally, as to any product for which a subsidy is payable, the processor shall subtract from his gross maximum price the amount of the direct subsidy payable per unit of the finished product.

The resulting figure is the processor's maximum price per dozen containers or other unit, f. o. b. shipping point, for sales to purchasers other than government procurement agencies.

NOTE: The Commodity Credit Corporation's subsidy program covers certain canned foods as defined in the Definitions and Standards of Identity issued under the Federal Food, Drug and Cosmetic Act, packed from tomatoes, green peas, sweet corn and snap beans grown during the calendar year 1944 and sold and delivered to canners for canning during the period March 1, 1944 to April 30, 1945, inclusive.

Illustrations of how maximum prices are figured under subparagraph (1). Pricing items sold during the base period and for which price ranges are provided. The permitted increase provided in Table 3 of Appendix A (section 15) for processors whose factories are located in Area 3 for No. 2½ size cans of spinach is $.32. The range of prices in Table 3 for fancy spinach packed in No. 2½ size cans in this area is: lower limit of range $1.47 and upper limit of range $1.54.

Example 1. The X Canning Company whose factory is located in Arkansas has figured a weighted average price during the first 60 days after the beginning of the 1941 spring and fall packs of $1.27 per dozen for fancy spinach packed in No. 2½ size cans. To this figure the company, adds $.32, the permitted increase named in Appendix A ($1.27 plus $.32 equals $1.59). Since this resulting figure of $1.59 is higher than the upper limit of the price range ($1.54), the X Canning Company's maximum price for sales to purchasers other than government procurement agencies is $1.54 per dozen. (No subsidy is payable as to this product).

Example 2. The Y Canning Company whose factory is also located in Arkansas has figured a weighted average price during the first 60 days after the beginning of the 1941 spring and fall packs of $1.05 per dozen for fancy spinach, packed in No. 2½ cans. To this figure the company adds the permitted increase of $.32 ($1.05 plus $.32 equals $1.37). Since the resulting figure of $1.37 is lower than the lowest price named in the price range, the Y Canning Company's maximum price for sales to purchasers other than government procurement agencies is $1.47 per dozen. (No subsidy is payable as to this product).

Example 3. The Z Canning Company whose factory is located in Arkansas has figured a weighted average price during the first 60 days after the beginning of the 1941 spring and fall packs of $1.18 per dozen for No. 2½ size cans of fancy spinach. To this figure the company adds $.32 ($1.18 plus $.32 equals $1.50). Since the resulting figure of $1.50 falls within the range of prices named for fancy spinach packed in No. 2½ cans in this area, the Z Canning Company's maximum price for sales to purchasers other than government procurement agencies for No. 2½ size cans of fancy spinach is $1.50 per dozen. (No subsidy is payable as to this product.)

(2) *To price items sold during the base period but for which price ranges are not provided.*

NOTE: In making conversions for grade, for style of pack, and for container type and size under subparagraph (2), (3) or (4), as a general rule steps in figuring the maximum price are to be taken in the following order (any variation from this order will be explained in the applicable appendix):

1. Convert for container type and size
2. Convert for style
3. Convert for grade
4. Add the permitted increase
5. Apply the limitations of the price range
6. Convert for grade
7. Convert for style
8. Convert for container type and size
9. Subtract any direct subsidy payable per unit of the finished product.

For sales to purchasers other than government procurement agencies the processor shall figure his maximum price per dozen containers or other unit, f. o. b. shipping point, of an item which he sold during the base period, and for which a price range is not provided, as follows. He shall:

(i) *Construct a base price.* First, the processor shall figure his weighted average price for the item being priced in the manner provided in paragraph (a) (1) (i), above. He shall then convert this weighted average price (by container type and size, by style and by grade, in the order named) to a base price for an item with an established price range which is nearest in container size to the item being priced, by applying the conversion factors named in the applicable appendix.

(ii) *Add the permitted increase.* Next, the processor shall add to the constructed base price the appropriate permitted increase named in the applicable appendix and apply to this figure the limitations of the applicable price range.

(iii) *Convert to a gross maximum price for the item being priced.* Next, the processor shall convert the price so figured (by grade, by style and by container type and size, in the order named) to a gross maximum price for the item being priced, by applying the conversion factors named in the applicable appendix.

(iv) *Subtract any direct subsidy payable per unit of the finished product.* Finally, the processor shall subtract any direct subsidy payable per unit of the finished product.

The resulting figure is the processor's maximum price for sales to purchasers other than government procurement agencies.

Illustrations of how maximum prices are figured under subparagraph (2)—Pricing items sold during the base period but for which price ranges are not provided:

Example 4. The B Canning Company whose factory is located in New York sold RSP cherries packed in water in No. 303 cans during the base period. It is now pricing RSP cherries in water in No. 303 cans. Since Table 3 in Section 16, Appendix A, does not provide a permitted increase and price range for No. 303 cans, the company must convert its weighted average price for the No. 303 size cans of the product to a base price for the nearest container size for which a price range is provided, which in this case is the No. 2 size cans. The company has figured a weighted average price during the base period for RSP cherries packed in No. 303 cans of $1.25. To convert this figure to a No. 2 size can, it multiplies it by 1.15 the conversion factor named in Table 5 of Appendix A ($1.25 times 1.15=$1.4375). To this figure the company adds $.53 the permitted increase named in Table 3. ($1.4375 plus $.53=$1.9675). Since this figure is lower than the lowest price named in the price range for No. 2 size cans of the product, it uses $1.97 the lowest price in the range, to continue its computations. It now converts the figure $1.97 to a maximum price for the No. 303 size can by multiplying it by .87 the conversion factor named in Table 5 for converting to a No. 303 size can ($1.97 times .87=$1.7139). The B Canning Company's maximum price for sales to purchasers other than government procurement agencies for No. 303 cans of RSP cherries in water is $1.71. (Subparagraph (iv) is not used in figuring the maximum price as to this product as no subsidy is payable on it).

(3) *To price items not sold during the base period but for which price ranges are provided.* (See note at beginning of subparagraph (2)). For sales to purchasers other than government procurement agencies, the processor shall figure his maximum price per dozen containers or other unit, f. o. b. shipping point, of an item which he did not sell during the base period, but for which a price range is provided, as follows. He shall:

(i) *Construct a base price.* First, the processor shall select from the items of the product which he sold in the base period that item which is nearest in container size to the item being priced and figure its weighted average price in the manner provided in subdivision (a) (1) (i), above. He shall then convert this weighted average price (by container type and size, by style and by grade, in the order named) to a base price for the item being priced, by applying the conversion factors named in the applicable appendix.

(ii) *Add the permitted increase.* Next, the processor shall add to the constructed base price the appropriate permitted increase named in the applicable appendix and apply to this figure the limitations of the applicable price range.

(iii) *Subtract any direct subsidy payable per unit of the finished product.* Finally, the processor shall subtract any direct subsidy payable per unit of the finished product.

The resulting figure is the processor's maximum price for sales to purchasers other than government procurement agencies.

Illustrations of how maximum prices are figured under subparagraph (3)—Pricing items not sold during the base period but for which price ranges are provided:

Example 5. The C Canning Company whose factory is located in Michigan is now pricing standard, water pack RSP cherries packed in No. 2 cans. During the base period 1941 this company sold RSP cherries of the following grades, styles of pack, and container types and sizes:

Fancy RSP cherries 30° syrup in 303 cans.

Standard RSP cherries in water in #10 cans.

The C Company selects the No. 303 size cans of RSP cherries because it is the nearest in container size to the No. 2 size can which it is now pricing and figures its weighted average price to be $1.52. The company then converts this weighted average price for the No. 303 can to a base price for the No. 2 can by multiplying it by 1.15 the conversion factor named in Table 5 of Appendix A for converting from a No. 303 can to a No. 2 can. ($1.52 times 1.15=$1.7480). The resulting figure $1.7480 is a base price for No. 2 size cans of Fancy RSP cherries, 30° syrup. However, since the company is pricing #2 size can of Standard, Water pack RSP cherries, it must subtract from $1.7480 the differentials for syrup and grade specified in Tables 6 and 7 of Appendix A. (These are $0.20 for grade differences between fancy and standard; and $0.15 for syrup.) ($1.7480 minus $0.35=$1.3980.) To this base price the C Company adds $0.72 the permitted increase named in Table 3 of Appendix A for Area 2 ($1.3980+$0.72=$2.1180). Since the resulting figure is within the price range for Area 2, the company's maximum price is $2.12 for sales to purchasers other than government procurement agencies. (Subtraction of a subsidy is not involved as to this product.)

(4) *To price items not sold during the base period and for which price ranges are not provided.* (See note at beginning of subparagraph (2)).

Two different situations are involved when pricing under this subparagraph.

For sales to purchasers other than government procurement agencies, the processor shall figure his maximum price per dozen containers or other unit, f. o. b. shipping point, of an item not sold during the base period, and for which a price range is not provided, as follows.

First situation: If during the base period the processor sold any of the items (of the same product) for which price ranges are provided, he shall figure his maximum price per dozen containers or other unit f. o. b. shipping point, for sales to purchasers other than government procurement agencies, as follows. He shall:

(i) *Construct a base price.* First, the processor shall select from the items sold during the base period that item for which a price range is provided which is nearest in container size to the item being priced and figure its weighted average price in the manner provided in subdivision (a) (1) (i), above.

(ii) *Add the permitted increase.* Next, the processor shall add to the constructed base price the appropriate permitted increase and apply to this figure the limitations of the applicable price range.

(iii) *Convert to a gross maximum price for the item being priced.* Next, the processor shall convert the price so figured for the selected item (by grade, by style, and by container type and size, in the order named) to a gross maximum price for the item being priced, by applying the conversion factors named in the applicable appendix.

(iv) *Subtract any direct subsidy payable per unit of the finished product.* Finally, the processor shall subtract any direct subsidy payable per unit of the finished product.

The resulting figure is the processor's maximum price for sales to purchasers other than government procurement agencies.

Second situation. If during the base period the processor did not sell any of the items (of the same product) for which price ranges are provided, he shall figure his maximum price per dozen containers or other unit f. o. b. shipping point, for sales to purchasers other than government procurement agencies, as follows. He shall:

(i) *Construct a base price.* First, the processor shall select from the items of the product which he sold in the base period that item which is nearest in container size to the item being priced and figure its weighted average price in the manner provided in subdivision (a) (1) (i) above. He shall then convert this weighted average price (by container type and size, by style and by grade, in the order named) to a weighted average price for the item nearest in container size for which a price range is provided by applying the conversion factors named in the applicable appendix.

(ii) *Add the permitted increase.* Next, the processor shall add to the constructed base price the appropriate permitted increase named in the applicable appendix and apply to this figure the limitations of the applicable price range.

(iii) *Convert to a gross maximum price for the item being priced.* Next, the processor shall convert the price so figured for the selected item (by grade, by style, and by container type and size, in the order named) to a gross maximum price for the item being priced, by applying the conversion factors named in the applicable appendix.

(iv) *Subtract any direct subsidy payable per unit of the finished product.* Finally, the processor shall subtract any direct subsidy payable per unit of the finished product.

The resulting figure is the processor's maximum price for sales to purchasers other than government procurement agencies.

Illustrations of how maximum prices are figured under subparagraph (4). Pricing items not sold during the base period and for which price ranges are not provided:

First situation

Example 6. The E Canning Company whose factory is located in Oregon is now pricing No. 1 (picnic) cans of standard spinach. During the base period 1941, this company sold spinach of the following grades, and container types and sizes:

Fancy spinach packed in No. 2 cans.

Fancy spinach packed in No. 10 cans.

The E Company selects the No. 2 can because it is the nearest container size for which a price range is provided to the No. 1 (picnic) can which is being priced. It then figures the weighted average price for the No. 2 can to be $.95 per dozen. To this figure the company adds $.38 the permitted increase named in Table 3, Appendix A, of section 15, ($.95 plus $.38=$1.33). Since this figure is lower than the lowest price named for fancy spinach in Area 2, the company uses $1.36, the lowest price in the price range, to continue its computation. The company subtracts $.10, the difference between Fancy and Standard grades of spinach named in Table 7 of Appendix A, from $1.36, ($1.36 minus $.10=$1.26). This figure is then converted to a maximum price for the No. 1 (picnic) can being priced by multiplying it by .65 the conversion factor named in Table 5, Appendix A for converting from a No. 2 to a 1 (picnic) can. ($1.26 times .65=$.8190). The E Company's maximum price for No. 1 (picnic) cans of Standard spinach is $.82 per dozen for sales to purchasers other than government procurement agencies. (Subtraction of a subsidy is not involved as to this product).

Second situation

Example 7. The D Canning Company whose factory is located in Oregon is now pricing 8 ounce size cans of Fancy spinach. During the base period, 1941, this company sold spinach of the following grades, and container types and sizes.

Fancy spinach packed in No. 1 Tall Cans.

Standard spinach packed in No. 1 (picnic) cans.

The D Company selects the No. 1 (picnic) can because it is nearest in container size to the 8 ounce size can which it is now pricing and figures its weighted average price to be $.70 per dozen. The company then converts this weighted average price for the No. 1 (picnic) can to a constructed base price for the No. 2 can by multiplying it by 1.54 the conversion factor named in Table 5, Appendix A, of section 15 for converting from a No. 1 (picnic) can to a No. 2 can ($.70 times 1.54=$1.0780). The resulting figure is a base price for No. 2 size cans of Standard spinach. To this figure the company adds $.10 ($1.078 plus $.10=$1.1780) the differential between grades named in Table 7 of Appendix A. Next the company adds $.38 the permitted increase named in Table 3 for Area 2. ($1.1780 plus $.38=$1.5580.) Since this figure falls within the price range for fancy spinach packed in No. 2 cans, the company uses it to continue its computation. The company then converts this figure for the No. 2 size can to a maximum price for the 8 ounce size can which is being priced by multiplying it by .60 the conversion factor named in Table 5 of Appendix A for converting from a No. 2 can to an 8 ounce size can. ($1.5580 times .60=$.9348). The resulting figure is the D Company's maximum price for sales to purchasers other than government procurement agencies. (Subtraction of a subsidy is not involved as to this product.)

(b) *Products not sold during the base period.* For any product which was not sold in the base period, the processor shall figure his maximum price per dozen containers or other unit of the item, f. o. b. factory, for sales to purchasers other than government procurement agencies, in the following manner:

(1) *Grades, styles and container types and sizes for which specific dollars-and-cents prices are provided.* If the grade, style and container type and size of the item being priced is one for which a specific dollars-and-cents price is provided, the processor shall in each case;

(i) Take the specific dollars-and-cents price named for the item in the applicable appendix (this figure is the processor's gross maximum, f. o. b. factory), and

(ii) Subtract from it any direct subsidy payable per unit of the finished product.

The resulting figure is the processor's maximum price for sales to purchasers other than government procurement agencies. For a processor who performs the wholesale or retail function, this price shall be considered a "dollars-and-cents" maximum price for the purpose of section 10 (b).

(2) *Grades, styles and container types and sizes for which specific dollars-and-cents prices are not provided.* If the grade, style and container type and size of the item being priced is one for which a specific dollars-and-cents price is not provided, the processor shall in each case,

(i) Take the specific dollars-and-cents price named in the applicable appendix for that container size (of the same product) which is nearest in size to the item being priced.

(ii) Convert the resulting figure (by grade, by style and by container type and size, in the order named) to a gross maximum price for the item being priced, by applying the conversion factors named in the applicable appendix.

(iii) Subtract from it any direct subsidy payable per unit of the finished product.

The resulting figure is the processor's maximum price for sales to purchasers other than government procurement agencies. For a processor who performs the wholesale or retail function, this price shall be considered a "dollars-and-cents" maximum price for the purpose of section 10 (b).

(c) *Maximum prices figured on the basis of subgrades.* A processor who meets the conditions of section 11 (b) as to any item may, if he elects, figure maximum prices for the item on the basis of subgrades. He may make this election for one or more factories selected by him, provided that the maximum prices for the item at the selected factories are the same. However, any such election applies only to that part of the combined packs of those factories which he has not sold and delivered prior to the filing of the statement of his election. When he makes this election as to any item, the processor may sell it at whatever prices he pleases, subject to the following limitations:

[Above paragraph amended by Am. 1, 9 F.R. 9613, effective 7-31-44; and Am. 2, 9 F.R. 10194, effective 8-19-44]

(1) The maximum price for his entire pack of the item shall not be higher than his maximum price for the item figured without regard to subgrades multiplied by the number of units sold.

(2) No selling price for any subgrade of the item shall be higher than the top of the price range applicable to the item.

(3) The processor shall not sell on the basis of subgrades, at prices higher than his maximum price for the item figured without regard to subgrades, until he has filed with the Office of Price Administration, Washington, D. C., a statement of his election naming (i) each subgrade and the proportion of his pack of the item which he elects to sell under it, (ii) the highest price at which he elects to sell each subgrade, (iii) the actual or anticipated amount of his pack of the item, and (iv) his maximum price for the item figured without regard to subgrades. If he names an anticipated amount of pack, he shall file a supplementary statement showing his actual pack of the item, within 10 days after its completion.

(4) The number of units sold in the highest-priced subgrade shall not exceed the total number of units included in that subgrade in the seller's statement of election, and the maximum price for the entire subgrade shall be the price stated therein for that subgrade multiplied by the number of units sold. The number of units sold in the next highest-priced subgrade shall not exceed the total number of units included in that subgrade in the seller's statement of election, plus the number of units, if any, included for the highest-priced subgrade which are sold at or below the price stated for the next highest-priced subgrade, and the maximum price for the entire subgrade, plus such additional units, if any, shall be the price stated for that subgrade multiplied by the number of units sold, plus such additional units, if any. The above rule shall apply to determine the total number of units which may be sold in any lower-priced subgrade and to determine the maximum price for any such subgrade.

SEC. 6. *Maximum prices for sales by processors; Pricing Method No. 2.* The products covered by Pricing Method No. 2 are listed below. (The "base period" applicable to each product is the first 60 days after the beginning of the 1941 pack except where otherwise specified.)

NOTE: Products made from crab apples are not covered by this supplement until such time as the limitation of the raw material price to be used in figuring the 1944 raw material cost is determined and provided by amendment.

[Above note amended by Am. 16, 9 F.R. 13960, effective 11-21-44]

Packed fruits:
- Apricots (except halves (unpeeled), whole (unpeeled), and whole (peeled), packed in California)
- Cherries, sweet (except light unpitted, packed in California, Oregon and Washington)
- Cherries, cocktail
  - Base Period: July 1, 1940 to September 30, 1940 and July 1, 1941 to September 30, 1941
- Cherries, brined
  - Base Period: September 1, 1941 to November 30, 1941
- Cherries, Maraschino and glacé
  - Base Period: January 1, 1942 to March 31, 1942
- Cherries, Red Sour Juice
- Figs
- Peaches (except yellow cling halves, sliced, quartered, and diced, packed in California)
- Pears (except Bartlett pears, halves (peeled), quarters (peeled), and diced, packed in California, and Bartlett pears, halves (peeled), packed in Oregon and Washington)
- Plums
- Prunes, packed from fresh prunes
- Prunes, dried in juice or syrup, juice, concentrate, and other prune products
  - Base Period: March 1942
- Fruit cocktail (except packed in California)
- Mixed fruits
- Concord grape juice and Concord grape pulp
  - Base Period: October 1, 1941 to January 31, 1942
- Apples
- Applesauce
- Apple juice
- Sweet cider
- Crab apples (Important: see note above)

Packed berries:
- Blackberries
- Blueberries
- Boysenberries
- Cranberries
- Gooseberries
- Huckleberries
- Loganberries
- Raspberries
- Strawberries
- Youngberries

[Above list amended by Am. 16, 9 F.R. 13960, effective 11-21-44]

Packed vegetables:
- Group I:
  - Artichokes
  - Bamboo sprouts
  - Celery
  - Hominy
  - Okra
  - Onions
  - Parsnips
  - Peppers
  - Pickles, packed from fresh vegetables other than cucumbers
  - Pimientos
  - Pumpkin
  - Rhubarb
  - Squash
  - Turnips
  - Vegetable greens other than spinach
- Group II:
  - Beets
  - Beans, fresh shelled
  - Beans, fresh lima
  - Carrots
  - Tomato juice, cocktail, catsup, chili sauce, puree, paste and sauce
  - Italian pear shaped tomatoes

Packed vegetables—Continued.
- Group III:
  - Mixed vegetables
  - Mixed vegetables
- Group IV:
  - Sauerkraut (except juice)—Base period: December 1, 1941 to March 31, 1932
  - Mushrooms—Base period: October 10, 1941 to December 10, 1941
  - Peas, blackeye, crowder, cream, and field
  - Pickles, packed from fresh cucumbers
  - Sweet potatoes

For products covered by Pricing Method No. 2, the processor figures his maximum price for sales to purchasers other than government procurement agencies under the particular paragraph listed below which is applicable to the item being priced.

To price items where they or other items of the same product (except vegetable greens) were sold during the base period and for which the processor established maximum prices for the 1943 pack under the formula provisions of Maximum Price Regulation 306 or 493, see paragraph (a), below.

To price items where they or other items of the same product were sold during the base period and for which the processor established maximum prices for the 1942 pack under the formula provisions of Maximum Price Regulation 152[8] or 185 or Revised Maximum Price Regulation 233, but for which maximum prices generally were not established in 1943 or for which dollars-and-cents maximum prices were named for the 1943 pack, and to price vegetable greens other than spinach, see paragraph (b), below.

To price items other than items of packed apples, applesauce, apple juice, sweet cider and cranberries, where they or other items of the same product were sold by grower-processors (including grower-owned cooperatives) during the base period, see paragraph (c), below.

To price items in certain container types and sizes, see paragraph (d), below.

To price items for which the maximum prices for the 1942 or 1943 pack were established by using competitors' maximum prices (except items of products sold by grower-processors during the base period) or by specific authorization, and to price all items that cannot otherwise be priced, see paragraph (g), below.

The processor shall figure a maximum price for each factory at which he processes the item being priced. (However, he may then elect to combine prices as provided in section 10 (f).)

[Above text amended by Am. 18, 9 F.R. 14495, effective as of 11-17-44; Am. 19, 9 F.R. 14781, effective as of 11-17-44; and Am. 20, 10 F.R. 841, effective 1-25-45]

(a) *General rule for pricing items, where they or other items of the same product were sold during the base period and for which maximum prices were established for the 1943 pack under the formula provisions of Maximum Price Regulation 306 or 493.* In general, this paragraph applies to the pricing of items in those cases where the processor sold some items of the product during the base period and for which he established maximum prices for the 1943 pack under the general formula provisions of Maximum Price Regulation 306 or 493. It does not apply to items that were priced in 1942 or 1943 by using competitors' maximum prices, by individual authorization, or by the alternative pricing method of section 19 of Maximum Price Regulation 493, nor does it apply to the pricing of vegetable greens. This paragraph also applies to the pricing of items of the apple products covered by this section that were priced in 1943 by a grower-processor (including a grower-owned cooperative) by using the raw material cost of his closest competitor who purchased apples for use in making the product.

[Paragraph (a) and heading amended by Am. 20, 10 F.R. 841, effective 1-25-45]

For sales of an item to purchasers other than government procurement agencies, the processor shall figure his maximum price per dozen containers or other unit, f. o. b. shipping point, as follows. He shall:

(1) *Start with the 1943 maximum price.* The processor shall use as his starting point the maximum price for the 1943 pack of the item, for sales to purchasers other than government procurement agencies, less the amount of any adjustment for approved wage rate increases required to be figured under Maximum Price Regulation 306 or 493.

(2) *Adjust for approved increases in wage rates.* Next, the processor shall adjust for the increase in wage rates if he has incurred a wage rate increase approved by the War Labor Board or under the Fair Labor Standards Act and made effective after January 1, 1943. The adjustment is made by multiplying by the appropriate figure named in the table below.

Product	State or area	Multiply by
PACKED FRUITS		
Yellow cling peaches (except halves, sliced, quartered, and diced).	California	1.03
Packed apples	California, Oregon and Washington	1.04
	All other States	1.03
Applesauce	California, Oregon and Washington	1.045
	All other States	1.02
Apple juice	All States	1.02
Sweet cider	All States	1.02
Products made from crab apples	All States	1.02
All other fruits listed at beginning of section 6 (including yellow cling peaches in States other than California).	All States	1.035

[8] 7 F.R. 3895, 3963, 4453, 5138, 5363, 6219, 6266, 6472, 8948; 8 F.R. 1133, 2997, 8075.

Product	State or area	Multiply by
PACKED BERRIES		
All berries listed at beginning of section 6.	All States	1.035
PACKED VEGETABLES		
Tomato juice	Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, Connecticut, New York and Pennsylvania (those counties not included in group of States beginning with Illinois).	1.04
	Delaware, Maryland, New Jersey, Tennessee, Kentucky, West Virginia, Virginia, North Carolina, Florida, Georgia, South Carolina, Alabama, Mississippi, Missouri, Texas, Oklahoma, Kansas, Louisiana and Arkansas.	1.035
	Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, Ohio, Wisconsin, North Dakota, South Dakota, and Pennsylvania (Bucks, Montgomery, Philadelphia, Delaware, Chester, Lancaster, York, Cumberland, Adams, Franklin, Fulton, Bedford, and Somerset Counties.	1.045
	California, Colorado, Idaho, Oregon, Utah, Washington, Wyoming, Montana, New Mexico and Nevada.	1.02
Tomato products listed at beginning of section 6 other than tomato juice.	California, Colorado, Idaho, Montana, New Mexico, Arizona, Nevada, Oregon, Utah, Washington and Wyoming.	1.02
	All other States	1.04
Sauerkraut	All States	1.025
All other vegetables listed at beginning of section 6.	All States	1.045

NOTE: The area named refers, in each case to the area in which the processor's factory is located. The area in which the raw product was grown is not controlling.

(3) *Subtract 2%.* Next, the processor shall subtract from the resulting figure 2% of that figure.

(4) *Subtract the 1943 raw material cost.* Next, the processor shall subtract the 1943 raw material cost per dozen containers or other unit as required to be figured under Maximum Price Regulation No. 306 or 493. The deduction shall include any hauling and transportation charges reflected in his maximum price for the 1943 pack.

[Subparagraph (4) amended by Am. 20, 10 F.R. 841, effective 1-25-45]

(5) *Add the 1944 raw material cost.* Next, the processor shall add to the resulting figure his 1944 weighted average raw material cost, converted to units of the finished product by applying the simple average of his 1941 and 1943 case (unit) yields and by adjusting for grade according to his customary practice. The 1944 raw material cost shall be figured on the basis of not less than the first 75% of his purchases of the raw material used by him in processing the product. However, the processor's weighted average raw material cost shall be based on a weighted average raw material price no higher than the appropriate price named in the table below.

FRUITS

Raw material	Area		Price: Class A[1] varieties	Price: Class B[2] varieties
			Cwt.	*Cwt.*
Apples	All States	U. S. No. 1 cannery grade 2¼ inch size (and C grade as established under Washington and Oregon State grades).	$3.10	$2.50
		U. S. No. 2 cannery grade 2¼ inch and up	1.65	1.50
		Apples which grade less than U. S. No. 2 cannery grade (ciders).	1.00	1.00

See footnotes end of table.

However, for the following products the processor's weighted average raw material cost shall in each case be based on a weighted average raw apple price not exceeding the amount named below for the product:

Packed apples and applesauce	$3.10
Packed apple juice	1.65
Sweet cider	1.00

Crab apples (to be announced later).

FRUITS—Continued

Raw material	Area	Price
Apricots	California	$89.00 per ton.
	Other States	$79.00 per ton.
Cherries, red sour	All States	$155.00 per ton.
Cherries, sweet:		
Canning (all varieties)	California	$233.00 per ton.
Brining (all varieties)	California	$215.00 per ton.
Canning (light)	Other States	$215.00 per ton.
Canning (dark)	Other States	$225.00 per ton.
Brining (all varieties)	Other States	$205.00 per ton.
Grapes, Concord	Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, Connecticut, New York, Pennsylvania, Ohio, Michigan, New Jersey, North Dakota, South Dakota, Nebraska, Illinois, Iowa, Indiana, Wisconsin, Minnesota.	$85.00 per ton.
	Washington, Oregon, Idaho, Montana, Wyoming.	$52.00 per ton.
	Other States	Price actually paid.
Grapes, Thompson, Seedless	All States	$55.00 per ton.
Figs:		
Kadota	All States	$125.00 per ton.
All others		$97.00 per ton.
Peaches, Clingstone	All States	$80.00 per ton.
Peaches, Freestone:		
Elbertas & Hales	California	$54.00 per ton.
Lovells & others		$47.00 per ton.
All varieties	Other States	$60.00 per ton.
Pears:		
All varieties	California	$80.00 per ton.
All varieties	Oregon, Washington	$73.00 per ton.
Bartlett	Other States	$70.00 per ton.
Kieffer		$40.00 per ton.
Pineapple	All States	1942 cost as computed under MPR 185.
Plums	California, Oregon, Washington, Idaho, Utah.	$56.00 per ton.
	Other States	1952 cost as computed under MPR 185.
Prunes, fresh	Washington, Oregon	$55.00 per ton.
	Other States	$48.50 per ton.
Prunes, dried	All States	
Sales to purchasers other than government procurement agencies.		Commodity Credit Corporation's resale price for the area in which the processor's customary receiving point is located, if he is also the processor under Supplement 9 to Food Products Regulation No. 1 of the dried prunes used in the item being priced. If he is not the processor, under that supplement, of the dried prunes used in the item being priced, his 1944 raw material cost shall be based on his 1944 weighted average delivered cost for each grade of dried prunes used in packing the item.
Sales to government procurement agencies.		War Food Administration's support price for the area in which the processor's customary receiving point is located, if he is also the processor under Supplement 9 to Food Products Regulation No. 1 of the dried prunes used in the item being priced. If he is not the processor, under that supplement, of the dried prunes used in the item being priced, his 1944 raw material cost shall be based on his 1944 weighted average delivered cost for each grade of dried prunes used in packing the item.

[1] "Class A Varieties" means the following varieties:
New York—Baldwin, R. I. Greening, Northern Spy, Twenty-ounce, Northwestern Greening, Grimes Golden, Stayman, King and Stark.
Pennsylvania, Maryland, West Virginia, and Virginia—York Imperial, Stayman, Golden Delicious, and Grimes Golden.
Oregon and Washington—Golden Delicious, Winesap, Spitzenberg, Arkansas Black, Newtown, Rome Beauty, Stayman, Ortley and Jonathan.
California—Gravenstein, Bellflower, Newton, Baldwin, Northwestern Greening, Rhode Island Greening, Arkansas Black, Black Twig, Jonathan, Golden Delicious, Rome Beauty and Spitzenberg.
All other states—Golden Delicious, Northern Spy, R. I. Greening, Grimes Golden, Stayman, Rome Beauty, Baldwin, Wegener, Northwestern Greening, Twenty-ounce and Stark.

[2] "Class B Varieties" means all other varieties of apples used for processing.

[Above table amended by Am. 20, 10 F.R. 841, effective 1-25-45]

BERRIES

Raw material	Area	Price
Blackberries	All States	$0.12 per pound.
Blueberries, wild	Maine, New Hampshire, Vermont, Massachusetts.	$0.18 per pound.
	Other States	1942 cost per pound as required to be computed under MPR 185 plus $0.03 per pound.
Blueberries, cultivated	All States	1942 cost per pound as required to be computed under MPR 185 plus $0.03 per pound.
Boysenberries	All States	$0.12 per pound.
Cranberries	All States	$22.38 per cwt.
Gooseberries	All States	$0.08 per pound.
Huckleberries	All States	1942 cost per pound required to be computed under MPR 185 plus $0.03 per pound.
Loganberries	All States	$0.12 per pound.
Raspberries, black	All States	$0.13 per pound.
Raspberries, red	All States	$0.15 per pound.
Strawberries:		
Ettersburg, stemmed	All States	$0.17 per pound.
Others, stemmed	All States	$0.15 per pound.
Youngberries	All States	$0.12 per pound.

[Table on Berries amended by Am. 16, 9 F.R. 13960, effective 11-21-44]

VEGETABLES—1944

Raw Material	Area	Price
Group I: Vegetables	All States	1942 raw material cost as required to be figured under MPR 152 plus 20% of that cost.
Group II: Vegetables:		
Beans, fresh shelled	All States	War Food Administration's average support price for snap beans for the area in which the processor's customary receiving point is located.
Beans, fresh lima	All States	War Food Administration's average support price for the area in which processor's customary receiving point is located.
Beans, snap.		
Beets.		
Carrots.		
Corn, sweet.		
Peas, green.		
Spinach.		
Tomatoes for tomato juice	All States	War Food Administration's average support price for the area in which processor's customary receiving point is located.
Tomatoes for all other tomato products under Pricing Method No. 2:	All States	
Sales to purchasers other than government procurement agencies.		Commodity Credit Corporation's 1943 resale price for the area in which the processor's customary receiving point is located.
Sales to government procurement agencies.		War Food Administration's average support price for the area in which the processor's customary receiving point is located.
Group III: Vegetables	All States	For raw vegetables in Group I, the 1942 raw material cost as required to be figured under MPR 152, plus 20% of that cost. For raw vegetables in Group II, War Food Administration's average support price for area in which processor's customary receiving point is located. Exception: For tomatoes used in mixed vegetable juices sold to purchasers other than government procurement agencies, Commodity Credit Corporation's 1943 resale price for area in which the processor's customary receiving point is located.
Group IV: Vegetables:		
Cabbage	All States	$22.00 per ton.
Cucumber, fresh	All States	1941 cost plus 40¢ per bushel.
Mushrooms	All States	$1.50 per 3-pound basket.
Peas, blackeye	Virginia & Maryland	$60.00 per ton.
	All other States east of Mississippi River.	$55.00 per ton.
	All other States west of Mississippi River, including all of Louisiana.	$65.00 per ton.
Peas, all other field	Virginia & Maryland	$55.00 per ton.
	All other States east of Mississippi River.	$50.00 per ton.
	All States west of Mississippi River, including all of Louisiana.	$65.00 per ton.
Sweet potatoes	All States	$0.90 per 50-pound bushel.

The raw material prices named in the table above refer to support or designated prices delivered to the processor's customary receiving point, except in the case of blackeye peas, field peas, and spinach (except California), for which the prices include delivery to the cannery. In the case of spinach produced in California, the price named is "uncut in the field". (In figuring raw material costs for spinach used in mixed vegetables or mixed vegetable juices produced in California, the processor shall subtract and add, respectively, the 1943 and 1944 raw material costs on the basis of the "uncut in the field" price for each year.) The actual transportation charges incurred from his customary receiving point to his factory (figured at rate prevailing on June 1, 1943) shall be added to the amount named at the customary receiving point. The location of the processor's customary receiving point is controlling in determining the applicable price in the table, and not the place where the raw material is grown or his factory located. However, if the processor purchases raw material in an area other than that in which his customary receiving point is located, the applicable price in the table is the price named for the area in which the raw material is grown, and he shall add to this amount the actual transportation charges that would have been incurred from his customary receiving point to his factory (figured at rate prevailing on June 1, 1943).

[Table on Vegetables and above footnote amended by Am. 20, 10 F.R. 841, effective 1-25-45]

(6) *Subtract any direct subsidy payable per unit of the finished product.* Finally, the processor shall subtract the amount of any direct subsidy which is payable per unit of the finished product, as named in the following table.

DIRECT SUBSIDY PAYABLE PER DOZEN CONTAINERS FOR TOMATO JUICE, ALL AREAS AND GRADES

Name	Dimensions	Amount of subsidy to be subtracted per dozen containers in making sales to purchasers other than government procurement agencies
No designation	211 x 200	$0.01
6Z Jitney	202 x 308	.02
8Z Short or #55	211 x 300	.02
8Z Tall	211 x 304	.03
No. 1 Flat	307 x 203	.03
No designation	208 x 400	.03
No. 1 Picnic or Eastern Oyster (E. O.).	211 x 400	.03
No. 211 Cylinder or 12 oz.	211 x 414	.04
No. 1 Short	301 x 400	.04
No. 1¼	401 x 207.5	.04
No. 2 Vacuum	307 x 306	.04
No. 300	300 x 407	.04
No. 1 Tall or 16 oz.	301 x 411	.05
No. 303	303 x 406	.05
No. 95	307 x 400	.05
No. 2	307 x 409	.06
No. 303 Cylinder	303 x 509	.06
No. 3 Vacuum	404 x 307	.07
No. 2XT	307 x 506	.07
Jumbo	307 x 510	.08
No. 2 Cylinder	307 x 512	.08
No. 2 Tall	307 x 604	.08
No. 2½	401 x 411	.09
No. 3	404 x 414	.10
No. 3 Cylinder or 46 oz.	404 x 700	.15
No. 3 Tall	404 x 708	.16
No. 5	502 x 510	.17
No. 10	603 x 700	.32
No. 12	603 x 812	.40

To determine the rate of subsidy payable per dozen on container types and sizes not specified above multiply $.0029 by the total capacity of the container in avoirdupois ounces of water at 68° Fahrenheit.

The resulting figure is the processor's maximum price per dozen containers or other unit, f. o. b. shipping point, for sales to purchasers other than government procurement agencies.

(b) *Rule for pricing items in certain cases where the processor did not establish maximum prices generally for the 1943 pack under the formula provisions of Maximum Price Regulation 306 or 493 and for pricing vegetable greens other than spinach.* In general, this paragraph applies to the pricing of items which the processor cannot price under paragraph (a) for the reason that he did not establish a maximum price for the 1943 pack under the general formula provision of Maximum Price Regulation 306 or 493 but for which he established

maximum prices for the 1942 pack under the general formula provisions of Maximum Price Regulation 152 or 185 or Revised Maximum Price Regulation 233. It also applies to items for which dollars-and-cents maximum prices were named for the 1943 pack of the item and to the pricing of vegetable greens other than spinach. It does not apply to the pricing of items which were priced in 1942 by using competitors' maximum prices or by individual authorization.

For sales of an item to purchasers other than government procurement agencies, the processor shall figure his maximum price per dozen containers or other unit, f. o. b. shipping point, as follows. He shall:

(1) *Start with the 1942 maximum price.* The processor shall use as his starting point the maximum price for the 1942 pack of the item, as required to be figured under Maximum Price Regulation 152 or 185 or Revised Maximum Price Regulation 233. However, for vegetable greens other than spinach he shall refigure that maximum price on the basis of his weighted average selling price during the first 60 days after the beginning of his 1941 spring and fall packs if during that calendar year he had more than one pack.

(2) *Subtract the 1942 raw material cost.* Next, the processor shall subtract the 1942 raw material cost per dozen containers or other unit as required to be figured under Maximum Price Regulation 152 or 185. In the case of packed apples and applesauce, the 1942 raw material cost to be subtracted shall be figured by adding to the processor's 1941 raw material cost 8¼% of his "base price" as required to be figured under § 1341.404 [9] of Revised Maximum Price Regulation 233, and in the case of apple juice and sweet cider, the 1942 raw material cost to be subtracted shall be figured by adding to the processor's 1941 raw material cost the amount of 6 cents per gallon apportioned to each unit in the manner explained in § 1341.406 (b) (3)[9] of that regulation. The deduction shall include any hauling and transportation charges reflected in his maximum price for the 1942 pack.

[Subparagraph (2) amended by Am. 20, 10 F.R. 841, effective 1-25-45]

(3) *Add the 1944 raw material cost.* Next, the processor shall add to the resulting figure his 1944 weighted average raw material cost, converted to units of the finished product by applying the simple average of his 1941 and 1942 case (unit) yields and by adjusting for grade according to his customary practice. This cost shall be figured in the same manner and subject to the same limitations as provided in paragraph (a) (5), above, except that the actual transportation charges incurred from his customary receiving point to his factory shall be figured at the rate prevailing on June 1, 1944.

(4) *Adjust for approved increases in wage rates.* Next, the processor shall adjust for the increase in wage rates if he has incurred a wage rate increase approved by the War Labor Board or under the Fair Labor Standards Act and made effective after January 1, 1943. The adjustment is made by multiplying by the appropriate figure named in the table in paragraph (a) (2), above.

(5) *Subtract 2%.* Next, the processor shall subtract from the resulting figure 2% of that figure.

(6) *Subtract any direct subsidy payable per unit of the finished product.* Finally, the processor shall subtract the amount of any direct subsidy which is payable per unit of the finished product, as named in the table in paragraph (a) (6), above.

The resulting figure is the processor's maximum price per dozen containers or other unit, f. o. b. shipping point, for sales to purchasers other than government procurement agencies.

(c) *Rule for pricing items of products other than packed apples, applesauce, apple juice, sweet cider and cranberries, in sales by grower-processors (including grower-owned cooperatives).* In general, this paragraph applies to the pricing of items in sales by grower-processors (including grower-owned cooperatives). However, it does not apply to the pricing of an item of packed apples, applesauce, apple juice or sweet cider, unless the grower-processor is unable to figure a maximum price for it under paragraph (a) and (e) (1), nor does it apply to the pricing of an item of packed cranberries. "Grower-processor" means a processor who grows all of the raw material he uses in making the product being priced.

[Above paragraph amended by Am. 19, 9 F.R. 14781, effective as of 11-17-44]

For sales to purchasers other than government procurement agencies, the grower-processor (including a grower-owned cooperative) shall figure his maximum price per dozen containers or other unit, f. o. b. shipping point, as follows. He shall:

(1) *Determine the base price.* First, the grower-processor shall figure his weighted average price per dozen containers or other unit, f. o. b. shipping point, for the item being priced during the first sixty days after the beginning of the 1941 pack or other base period named at the beginning of this section for the particular product. (This average price will be called the "base price".) "Weighted average price" means the total gross sales dollars charged for the item during the base period divided by the number of dozens of containers or other units of that item sold. All sales made in the regular course of business during the base period shall be included, regardless of the date of delivery, except sales made to the armed forces of the United States. Sales contracts made at times other than during the base period shall not be included even though delivery was made during the base period.

(2) *Adjust the base price.* Next, the grower-processor shall multiply the base price by 1.10 for fruits other than maraschino cherries, glace cherries, Concord grape juice and Concord grape pulp, 1.10 for berries and 1.08 for vegetables other than sauerkraut.

(3) *Subtract the 1941 raw material cost.* Next, the grower-processor shall subtract the 1941 weighted average raw material cost of his most closely competitive processor who purchases the raw material for use in making the product, converted to units of the finished product by applying the grower-processor's own 1941 case (unit) yields and by adjusting for grade according to his customary practice. Where the 1944 weighted average raw material prices specified for the product in paragraph (a) (5) differ by state or area, the competitive processor shall be one whose customary receiving point (factory in the case of spinach in states other than California) is located in the same area as that of the grower-processor.

(4) *Add the 1944 raw material cost.* Next, the grower-processor shall add the 1944 weighted average raw material cost of the same competitive processor, converted to units of the finished product by applying the simple average of his own 1941 and 1943 case (unit) yields and by adjusting for grade according to his customary practice. (If he did not pack the product in 1943, he shall use the average of his 1941 and 1942 yields.)

(5) *Adjust for approved increases in wage rates.* Next, the grower-processor shall adjust for the increase in wage rates if he has incurred a wage rate increase approved by the War Labor Board or under the Fair Labor Standards Act and made effective after January 1, 1943. The adjustment is made by multiplying by the appropriate figure named in the table in paragraph (a) (2) above.

(6) *Subtract 2 per cent.* Next, the grower-processor shall subtract from the resulting figure 2 per cent of that figure.

(7) *Subtract any direct subsidy payable per unit of the finished product.* Finally, the grower-processor shall subtract the amount of any direct subsidy payable per unit of the finished product,

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[9] NOTE: Section 1341.404 of Revised Maximum Price Regulation 233 provides:

Computation of base prices. (a) The base price for each kind, grade and container size of any apple product for which a maximum price is established by this Revised Maximum Price Regulation No. 233 shall be the total gross dollars charged by the seller for each item during the base period for such item, divided by the number of units sold during the base period.

Section 1341.406 of Revised Maximum Price Regulation 233 provides: *The seller's maximum prices for canned or bottled apple juice or sweet apple cider, made from whole apples.* (a) The seller's maximum price per unit, f. o. b. factory, for each grade of canned or bottled apple juice or sweet apple cider, made from whole apples, in container sizes of less than one gallon, shall be:

(1) The base price per unit for the same grade and container size; plus

(2) Ten per cent of such base price per unit; plus

(3) The amount of six cents per gallon, apportioned to each unit in the same proportion which the contents of such unit bears to one gallon.

(b) The seller's maximum price per unit, f. o. b. factory for each grade of canned or bottled apple juice or sweet apple cider, made from whole apples, in container sizes of one gallon or more shall be:

(1) The base price per unit for the same grade and container size; plus

(2) Eight per cent of such base price; plus

(3) The amount of six cents per gallon, apportioned to each unit in the same proportion which the contents of such unit bears to one gallon.

as named in the table in paragraph (a) (6), above.

The resulting figure is the grower-processor's maximum price per dozen containers or other unit, f. o. b. shipping point, for sales to purchasers other than government procurement agencies.

[Paragraph (c) added and former paragraphs (c), (d), (e) and (f) redesignated (d), (e), (f) and (g) by Am. 18, 9 F.R. 14495, effective 11-17-44]

(d) *Rule for pricing items in certain container types and sizes*—(1) *Metal containers.* If the processor cannot figure his maximum price under paragraph (a), (b) or (c) for an item packed in one of the following metal container sizes, his maximum price per dozen containers or other unit, f. o. b. shipping point, for sales to purchasers other than government procurement agencies, shall be:

(i) For No. 303 cans, 85% of what his maximum price per unit, f. o. b. shipping point, is or would be under paragraph (a), (b) or (c), for the item packed in No. 2 cans;

(ii) For No. 1 (picnic) cans, 70% of what his maximum price per unit, f. o. b. shipping point, is or would be under paragraph (a), (b) or (c), for the item packed in No. 2 cans;

(iii) For 8-ounce cans, 55% of what his maximum price per unit, f. o. b. shipping point, is or would be under paragraph (a), (b) or (c), for the item packed in No. 2 cans.

(2) *Glass containers.* If the processor cannot figure his maximum price under paragraph (a), (b) or (c) for an item packed in one of the glass container sizes listed below, his maximum price per dozen containers or other unit, f. o. b. shipping point, for sales to purchasers other than government procurement agencies, shall be 20 cents per dozen for packed fruits and berries, and 15 cents per dozen for packed vegetables, more than his maximum price is or would be under paragraph (a), (b) or (c), for item packed in the equivalent can size.

CONTAINER EQUIVALENTS

Name	Dimension	Overflow capacity	
		Metal	Glass
		Ounces	*Ounces*
No. 1 picnic	211 x 400	10.94	11½
No. 300	300 x 407	15.22	15½
No. 1 tall	301 x 411	16.70	17
No. 303	303 x 406	16.88	17
No. 2	307 x 409	20.55	22.75
No. 2½	401 x 411	29.79	28.375
No. 3 cyl.	404 x 700	51.70	49

NOTE: When a processor is able to establish a maximum price under the provisions of this subparagraph (2), the procedure set forth in section 10 (a) is not applicable.

[Paragraph (d) amended by Am. 18, 9 F.R. 14495, effective as of 11-17-44]

(e) *Basis for figuring raw-material costs in certain cases.* The amount of the raw material cost to be added or subtracted in figuring a maximum price under paragraph (a) or (b), in certain cases, shall be figured as provided in this paragraph.

(1) *Raw material costs for grower-processors of apple products.* In the case of apple products covered by this section, a grower-processor (including a grower-owned cooperative) figuring a maximum price under paragraph (a) shall subtract and add the raw fruit costs of the same competitive processor as he was required to use in figuring his raw fruit costs under Maximum Price Regulation 493. If that competitor does not pack the product in 1944, the grower-processor shall use the 1943 and 1944 raw fruit costs of his most closely competitive processor who purchases apples for use in making the product.

(2) *1944 raw material cost for sauerkraut.* If a processor of sauerkraut is unable accurately to figure his 1944 weighted average cost for cabbage in figuring a maximum price under paragraph (a) because he has insufficient records as to his container yield, he shall determine his 1944 raw material costs on the basis of the following yields:

Container sizes and in bulk:	*Yield per ton*
No. 10 cans	30 cases (15 dozen)
No. 2½ cans	30 cases (60 dozen)
45-gallon barrels	3 barrels
In bulk [1]	135 gallons

[1] (For sauerkraut packed in any container type or size other than those listed above, the processor shall figure his yield on the basis of the designated bulk yield per ton.)

(3) *1944 raw material cost for mushrooms.* A processor of mushrooms in figuring a maximum price under paragraph (a) shall figure his 1944 weighted average cost for mushrooms on the basis of the total amount paid for mushrooms purchased and used in processing packed mushrooms during the first 15 days after the beginning of the 1944 fall pack.

(4) *1944 raw material costs for fruit nectars.* A processor of fruit nectars who by voluntary agreement with the War Production Board has changed his formula for packing these products from that used in the base period to a new formula requiring a greater percentage of fruit pulp, in figuring a maximum price under paragraph (a) or (b), shall calculate his 1944 weighted average raw fruit cost on the basis of his 1944 actual case yield used in packing the product under the new formula. In addition to the information required to be reported under section 13, a processor of fruit nectars who is pricing under this subparagraph (4), shall indicate on his report his base period formula and his present formula for packing fruit nectars.

(5) *Raw material costs for processors of maraschino and glace cherries who purchase brined cherries.* A processor of maraschino or glace cherries who purchases brined cherries for use in processing those products in figuring a maximum price under paragraph (a), shall subtract under subparagraph (4) his 1943 delivered cost for brined cherries as required to be figured under Maximum Price Regulation 306, and shall add under subparagraph (5) his 1944 weighted average delivered cost for the grade or grades of brined cherries used in the item, converted to units of the finished product by applying the simple average of his 1941 and 1943 case (unit) yields and by adjusting for grade of the finished product according to his customary practice. The 1944 weighted average delivered cost for each grade of brined cherries shall be figured on the basis of not less than the first 75% of his purchases of that grade of brined cherries.

[Subparagraph (5) added by Am. 16, 9 F.R. 13960, effective 11-21-44]

(f) *Maximum prices in certain cases*—(1) *Tomato catsup packed in No. 10 cans.* For sales to purchasers other than government procurement agencies, the processor's maximum price per dozen containers or other unit, f. o. b. shipping point for any grade of tomato catsup packed in No. 10 cans shall be his maximum price per dozen 14-ounce bottles of the same grade (as figured under paragraph (a), (b) or (c)) multiplied by 6.9 for factories located in Ohio and Indiana and by 6.5 for those located in all other states, or his maximum price for the item packed in No. 10 cans (as figured under paragraph (a), (b), or (c)), whichever is higher.

[Paragraph (f) amended by Am. 18, 9 F.R. 14495, effective as of 11-17-44]

(g) *Items for which maximum prices cannot be figured under this section.* If the processor cannot figure a maximum price, f. o. b. shipping point, under the foregoing rules of this section or under section 10 (a), for sales of any item to purchasers other than government procurement agencies, he may, if he wishes, figure his maximum price under the elective pricing method of section 10 (c). If he cannot or elects not to figure his maximum price in this manner, he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price under section 10 (d).

[Sec. 6 amended by Am. 15, 9 F.R. 13631, effective 11-17-44]

SEC. 7. *Maximum prices for secondary processors and repackers.* The secondary processor or repacker shall figure his maximum prices per dozen containers or other unit, f. o. b. shipping point, for those products which are purchased by him in bulk, barrels or other large containers and further processed or repacked in other containers, in each case by adding to his maximum price for the item being priced, as established under the General Maximum Price Regulation,[10] the difference between his customary supplier's maximum price under § 1499.2 of that regulation and his maximum price for the item, f. o. b. shipping point, as figured under this supplement, converted to the same units and adjusted where necessary to include incoming freight.

SEC. 8. *Maximum prices for sales by processors of prior years' packs of listed products which have been sold to them by government agencies.* The maximum price for sales by a processor, to purchasers other than government procurement agencies, of that portion of an item of any product listed in section 5 or 6 of this supplement, which was packed prior to 1944 and which has been sold to the processor by a government agency, shall be that processor's maximum price, f. o. b.

[10] 9 F.R. 1385, 5169, 6106, 8150, 10193, 11274.

shipping point, as established under this supplement for the same item when packed in 1944. However, differences in brand shall be ignored.

SEC. 9. *Label and labor allowances.* (a) Label and labor allowances shall be made by processors in the following circumstances and in the following amounts:

(1) When the processor sells any item covered by this supplement, unlabeled or labeled with labels supplied by the purchasers, in containers no greater in content than a No. 10 can, the maximum price established under this supplement shall be reduced by $1.50 per thousand labels used (label allowance). The processor is, of course, free to make a greater allowance if he so desires.

(2) When any item covered by this supplement is sold unlabeled in containers no greater in content than a No. 10 can, the maximum price established under this supplement shall be reduced by one cent per case (labor allowance) in addition to the allowance provided in subparagraph (1), above. The processor is, of course, free to make a greater allowance if he so desires.

[Subparagraphs (1) and (2) amended by Am. 15, 9 F.R. 13631, effective 11-17-44]

(b) In each sale to a purchaser other than a government procurement agency, where a processor makes an allowance for labels or labor under this section, he shall separately state the selling price and the amount and nature of the allowance on the invoice accompanying the sale.

SEC. 10. *Provisions of Article II of Food Products Regulation No. 1 applicable to this supplement.* The following provision of Food Products Regulation No. 1 are applicable to this supplement:

(a) Maximum prices for products in new container types or sizes (sec. 2.2 of FPR 1). This section shall also apply to secondary processors.

(b) Adjustment of dollars-and-cents maximum prices for processors who perform the wholesale or retail function (sec. 2.3 of FPR 1). This section applies to maximum prices figured under Section 5 (b).

(c) Elective pricing method for processors (sec. 2.4 of FPR 1). The maximum "mark-up percentage" figure is 175%. For the purpose of this supplement the reported price shall be deemed to have been approved 30 days after mailing the report (or any additional information, amended report or change in the report which may have been requested) unless, within that time, the Office of Price Administration has either disapproved the price or authorized a maximum price.

NOTE: The processor should remember to allow sufficient time after the expiration of the 30-day period to permit notification by mail to reach him before he assumes that no action has been taken by the Office of Price Administration during that period.

[Paragraph (c) amended by Am. 15, 9 F.R. 13631, effective 11-17-44; and Am. 21, effective 2-17-45]

(d) Individual authorization of maximum prices (section 2.5 of FPR 1). This section shall also apply to secondary processors. In addition to the information required to be furnished under section 2.5 of FPR 1, the applicant shall state in the application his case (unit) yields, on the basis of No. 2 cans for vegetables and No. 2½ cans for fruits and berries, for each of the years 1941, 1942 and 1943 in which he packed the product. If he did not pack the product in any of those years, he shall state his current case yields. For the purpose of this supplement, the proposed maximum price shall be deemed to have been authorized 30 days after mailing the application (or all additional information that may have been requested) unless, within that time, the Office of Price Administration has mailed the applicant a notice to the contrary.

NOTE: The applicant should remember to allow sufficient time after the expiration of the 30-day period to permit notification by mail to reach him before he assumes that no action has been taken by the Office of Price Administration during that period.

[Paragraph (d) amended by Am. 15, 9 F.R. 13631, effective 11-17-44; and Am. 20, 10 F.R. 841, effective 1-25-45]

(e) When the seller must figure a delivered price (sec. 2.6 of FPR 1). However, when figuring a delivered price, any processor whose transportation charges during the period January 1, 1941 to March 17, 1942 was based on the use of his own trucks, or on the use of ocean freight, and who is now compelled to use a common or contract carrier, or a different type of common or contract carrier, may add transportation charges by the new means of transportation to the same destination but under the freight tariff classification, and at the rate in effect during that period.

(f) Uniform prices where the processor or repacker has more than one factory (sec. 2.7 of FPR 1).

(g) Uniform delivered prices where the seller has customarily been selling on an f. o. b. shipping point basis (sec. 2.8 of FPR 1).

(h) Maximum prices for sales by primary distributors (sec. 2.9 of FPR 1). The maximum markup is 8%.

(i) Maximum prices for sales by distributors who are not primary distributors, wholesalers or retailers (sec. 2.10 of FPR 1).

(j) Payment of brokers (sec. 2.11 of FPR 1).

(k) Maximum prices for sales to government procurement agencies in certain cases (sec. 2.12 of FPR 1). The amount of the subsidy payable per unit of the finished product is set forth in the appendix covering the product.

(l) Special packing expenses which may be reflected in maximum prices for sales to government procurement agencies (sec. 2.13 of FPR 1).

(m) Treatment of federal and state taxes (sec. 2.14 of FPR 1).

(n) Units of sale and fractions of a cent (sec. 2.15 of FPR 1).

(o) Maintenance of customary discounts and allowances (section 2.16 of FPR 1). This section shall not apply to the label and labor allowances required to be made by processors under section 9.

[Paragraph (o) amended by Am. 15, 9 F.R. 13631, effective 11-17-44]

ARTICLE III—MISCELLANEOUS PROVISIONS

SEC. 11. *Grades and invoices.* This section applies to all sellers covered by this supplement whether the goods are packed by them or purchased by them for resale.

(a) "Grade" means the established grade as commercially understood, for example, in the case of canned peas, standard, extra-standard and fancy.

(b) "Subgrade" means a subdivision of a grade, determined in each case according to the regularly established way, during the base period, in which the particular processor reflected differences in quality (within that grade) in different selling prices for the item. Whether the processor had such a practice during the base period shall be determined from his invoices, and no processor who does not meet these conditions shall figure maximum prices for the item on the basis of subgrades.

If the particular processor's individual subgrade falls into more than one grade, as defined above, the individual subgrade shall be divided according to the commercial grades into which it falls.

(c) A person who purchases from a processor shall not be subject to any criminal penalty or civil enforcement action under the Emergency Price Control Act of 1942, as amended, in connection with the resale of any item for failure of the item to conform to the grade (and subgrade, if any) designated on the invoices, provided he can establish that he relied in good faith upon the grade designation on the invoice furnished him by the processor.

(d) On and after July 31, 1944, each processor shall furnish the purchaser, other than a government procurement agency, at or before the time of delivery, with an invoice describing the item and separately stating its grade and subgrade, if any. In addition, he shall also show the syrup or packing medium of any fruits or berries sold.

(e) Nothing in this supplement shall be construed to change any of the requirements of the Federal Food, Drug and Cosmetic Act, of any regulation issued under it.

[Sec. 11 amended by Am. 1, 9 F.R. 9613, effective 7-31-44]

SEC. 12. *Container sizes.* When used in this supplement the containers named below refer to containers of the dimensions or overflow capacity indicated.

METAL CONTAINERS

Name of container:	*Dimensions*
6 oz.—6 Z	202 x 308
8 oz.—8 Z Short	211 x 300
No. 55	211 x 300
8 Z Tall	211 x 304
No. 1 Picnic	211 x 400
No. 211 Cyl	211 x 414
No. 300	300 x 407
No. 300 Cyl	300 x 509
No. 1 Tall	301 x 411
No. 303	303 x 406
No. 303 Cyl	303 x 509
No. 95	307 x 400
No. 2 Vacuum	307 x 306
No. 2	307 x 409
No. 2 Cyl	307 x 510 or 307 x 512
No. 2½	401 x 411
No. 3 Vacuum	404 x 307
No. 3 Cyl	404 x 700
No. 10	603 x 700
No. 1 Square	300 x 308 x 308
No. 2½ Square	300 x 308 x 604

[Above table amended by Am. 6, 9 F.R. 10709, effective 8-30-44]

GLASS CONTAINERS

Size:	*Overflow capacity oz.*
No. 303	17
No. 2½	28.375
No. 10	105.6

[Above table amended by Am. 15, 9 F.R. 13631, effective 11-17-44]

SEC. 13. *Reports which processors must file*—(a) *Items priced under section 5.* Every processor shall file with the district office of the Office of Price Administration for the area in which his principal place of business is located a report, in duplicate and signed by him, on Office of Price Administration Form No. 633–2100, for each item for which his maximum price is named in or figured under section 5 of this supplement. As to each item which the processor packed prior to February 17, 1945 the report shall be filed on or before February 22, 1945. (The report for all items of a particular product shall be made on one form.) As to each item for which his first pack is started after February 17, 1945, the report shall be filed within 30 days after the beginning of the pack.

In addition to the report for each factory, a processor who figures a uniform maximum price for a group of factories shall file on Office of Price Administration Form No. 633–2100, in duplicate and signed by him, a separate report for the price so figured, together with a statement showing the name and location of each factory in the group and his calculations under section 10 (f). The report and statement shall be filed on or before the applicable date specified above for the factory in the group at which the pack of the item is last started. Within 10 days after each time he refigures the uniform maximum price in accordance with section 10 (f), he shall file a new report for the price, together with a statement showing his calculations including volume of sales made of the production of each factory during the one-year period immediately preceding the date of refiguring.

(b) *Items priced under section 6*—(1) *Reports to be filed by processors other than grower-processors pricing under paragraph (c) of section 6.* Every processor, other than a grower-processor pricing under paragraph (c) of section 6, shall file with the district office of the Office of Price Administration for the area in which his principal place of business is located a report, in duplicate and signed by him, on Office of Price Administration Form No. 633–2116, for each item for which he figures his maximum price under section 6 of this supplement. As to each item which the processor packed prior to February 17, 1945, the report shall be filed on or before March 10, 1945. (The report for all items of a particular product shall be made on one form.) As to each item for which his first pack is started after February 17, 1945, the report shall be filed within 30 days after the beginning of the pack.

In addition to the report for each factory, a processor who figures a uniform maximum price for a group of factories shall file on Office of Price Administration Form No. 633–2116, in duplicate and signed by him, a separate report for the price so figured, together with a statement showing the name and location of each factory in the group and his calculations under section 10 (f). The report and statement shall be filed on or before the applicable date specified above for the factory in the group at which the pack of the item is last started. Within 10 days after each time he refigures the uniform maximum price in accordance with section 10 (f), he shall file a new report for the price, together with a statement showing his calculations including volume of sales made of the production of each factory during the one-year period immediately preceding the date of refiguring.

(2) *Reports to be filed by grower-processors (including grower-owned cooperatives) pricing under paragraph (c) of section 6.* (To be announced)

Copies of the reporting forms may be secured from any district office of the Office of Price Administration.

[Sec. 13 amended by Am. 17, 9 F.R. 14356, effective 12–11–44; and Am. 21, effective 2–17–45]

SEC. 13a. *Individual adjustment of processors' maximum prices for products covered by Pricing Method No. 2*—(a) *When adjustments may be made.* Either upon application in accordance with Revised Procedural Regulation No. 1[11] or on his own motion, the Price Administrator may adjust a processor's maximum price for any item figured under section 6 of this supplement, where it appears that:

(1) The Maximum price is below the median price at which sales of items of the specific grade are made by processors located in the general processing area;

(2) The processor would be entitled to a price increase under the standards set forth in paragraph (b), below; and

(3) In the judgment of the Price Administrator, an increase in the processor's maximum price would be in furtherance of the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328.

(b) *Amount of adjustment.* The maximum price, as adjusted under this section, shall in no event be higher than the median price at which sales of items of the specific grade are made by processors located in the general processing area. Subject to this limitation and the limitation of paragraph (a)(3), the adjusted maximum price shall not exceed the following amount:

(1) Processing costs for the item, if the processor's percentage of net profits (before income and excess profits taxes) to net sales of packed fruits, berries and vegetables, during the most recent fiscal year, was 3 per cent or higher; or

(2) Total costs for the item, if the processor's percentage of net profits (before income and excess profits taxes) to net sales of packed fruits, berries, and vegetables, during the most recent fiscal year, was lower than 3 per cent.

In determining adjustments under this section changes in prices resulting from the granting of adjustments under this section shall, so far as practicable, be disregarded.

(c) *Definitions.* When used in this section the term:

(1) "Net sales" means gross sales less discounts allowed, returns and allowances, and outgoing freight.

(2) "Processing costs" means:

(i) Actual cost per unit of all ingredients (other than raw agricultural commodities) and of packaging materials, for which maximum prices have been established, figured at no more than the current maximum prices applying to the class of purchasers to which the processor belongs, or, if no maximum prices have been established, figured at no more than their current market prices;

[Subparagraph (i) amended by Am. 20, 10 F.R. 841, effective 1–25–45]

(ii) Actual cost per unit of all raw agricultural commodities used as ingredients, figured at no more than the applicable prices which the processor is permitted to use in figuring his maximum price under section 6;

(iii) Direct labor cost per unit, figured at no more than lawful current rates;

(iv) Transportation costs per unit by the usual mode of transportation, from the processor's customary supplier to his factory with respect to any cost used in (i), above, and from his customary receiving point to his factory with respect to any cost used in (ii), above, if that cost is not a delivered cost and if these charges are customarily incurred; and

(v) Other costs of processing per unit, such as indirect labor (figured at no more than lawful current rates), depreciation, factory rental, insurance, machinery repairs, and other cost factors generally pertaining to processing operations, but not including general administrative and selling expenses.

(3) "Total costs" means processing costs plus general administrative and selling expenses per unit.

(4) "Median price" means that price which is at the mid-point of the series of prices, arranged in order of size. Where the series consists of an even number of prices, the median price shall be the lower of the two prices in the middle of the series.

(d) *Form of application.* Applications for adjustment shall be filed in duplicate on Office of Price Administration Form No. 633–2079 and shall contain the information specified in that form. Copies may be obtained from the Fruits and Vegetables Branch, Food Price Divi-

[11] 9 F.R. 10476, 13715.

sion, Office of Price Administration, Washington, D. C.

[Paragraph (d) added by Am. 21, effective 2-17-45]

[Sec. 13a added by Am. 15, 9 F.R. 13631, effective 11-17-44]

SEC. 14. *Provisions of Article III of Food Products Regulation No. 1 applicable to this supplement.* The following provisions of Food Products Regulation No. 1 are applicable to this supplement:

(a) Restrictions on sales to primary distributors (Section 3.1 of FPR 1).

(b) Storage (sec. 3.3 of FPR 1).

(c) Export sales (sec. 3.4 of FPR 1).

(d) Notification of new maximum price (sec. 3.5 of FPR 1). However, for the purpose of this section only, different subgrades of the same grade shall constitute separate items. The establishment for the first time of maximum prices or a pricing method for an item in this supplement does not require notification.

[Paragraph (d) amended by Am. 11, 9 F.R. 11901, effective 9-27-44]

(e) Records which must be kept (sec. 3.6 of FPR 1).

(f) Sales slips and receipts (sec. 3.8 of FPR 1).

(g) Transfer of business or stock in trade (sec. 3.9 of FPR 1).

(h) How a figured maximum price is established and how an established maximum price may be changed (sec. 3.10 of FPR 1).

(i) Adjustable pricing (sec. 3.11 of FPR 1).

(j) Compliance with the applicable supplement (sec. 3.12 of FPR 1).

(k) Application for adjustment by sellers who have been found to have violated the Robinson-Patman Act (sec. 3.14 of FPR 1).

(l) Applications for adjustment and petitions for amendment based on wage or salary increases requiring approval of the National War Labor Board (sec. 3.15 of FPR 1).

(m) Petitions for amendment (sec. 3.16 of FPR 1).

ARTICLE IV—PRICING APPENDICES

SEC. 15. *Appendices for packed vegetables priced under Pricing Method No. 1.*

APPENDIX A—SPINACH

TABLE 1—AREAS

1. California.
2. Washington and Oregon.
3. Arkansas, Texas, Oklahoma, Missouri.
4. Mississippi, Louisiana.
5. Maryland, Virginia, Delaware, New Jersey, Southern Pennsylvania.*
6. All other states or areas.

TABLE 2—BASE PERIOD PRICES

Areas 1 and 2: Weighted average selling price for first 60 days after beginning of 1941 spring pack.

All other areas: Weighted average selling price for first 60 days after beginning of 1941 spring and fall packs.

TABLE 3—PERMITTED INCREASES AND PRICE RANGES PER DOZEN CONTAINERS FOR PROCESSORS OF PACKED SPINACH WHO MADE SALES DURING THE BASE PERIOD

Area	No. 2 cans				No. 2½ cans				No. 10 cans			
	Permitted increase	Price ranges			Permitted increase	Price ranges			Permitted increase	Price ranges		
		Fancy	Ex. Standard	Standard		Fancy	Ex. Standard	Standard		Fancy	Ex. Standard	Standard
1	$0.30	$1.20–$1.44	$1.15–$1.39	$1.10–$1.34	$0.36	$1.45–$1.73	$1.39–$1.67	$1.33–$1.61	$1.15	$4.76–$5.76	$4.56–$5.56	$4.36–$5.36
2	.38	1.36– 1.59	1.31– 1.54	1.26– 1.49	.46	1.64– 1.92	1.58– 1.86	1.52– 1.80	1.50	5.38– 6.30	5.18– 6.10	4.98– 5.90
3	.24	1.12– 1.17	1.07– 1.12	1.02– 1.07	.32	1.47– 1.54	1.40– 1.47	1.34– 1.41	1.07	4.81– 5.60	4.61– 5.40	4.41– 5.20
4	.40	1.27– 1.32	1.22– 1.27	1.17– 1.22	.52	1.67– 1.74	1.60– 1.67	1.54– 1.61	1.75	5.49– 6.18	5.29– 5.98	5.09– 5.78
5	.52	1.43– 1.66	1.38– 1.61	1.33– 1.56	.68	1.88– 2.18	1.82– 2.12	1.76– 2.06	2.20	6.65– 7.17	6.45– 6.97	6.25– 6.77
6	.30	1.20– 1.81	1.15– 1.76	1.10– 1.71	.36	1.45– 2.18	1.39– 2.12	1.33– 2.06	1.18	4.76– 7.17	4.56– 6.97	4.36– 6.77

TABLE 4—SPECIFIC DOLLARS-AND-CENTS MAXIMUM PRICES FOR PROCESSORS WHO WERE NOT IN BUSINESS DURING 1941 OR WHO MADE NO SALES OF PACKED SPINACH DURING THE BASE PERIOD

[Dollars per dozen]

Area	No. 2 can			No. 2½ can			No. 10 can			Area	No. 2 can			No. 2½ can			No. 10 can		
	Fancy	Extra standard	Standard	Fancy	Extra standard	Standard	Fancy	Extra standard	Standard		Fancy	Extra standard	Standard	Fancy	Extra standard	Standard	Fancy	Extra standard	Standard
1	$1.32	$1.27	$1.22	$1.59	$1.53	$1.47	$5.26	$5.06	$4.86	4	$1.30	$1.25	$1.20	$1.71	$1.64	$1.58	$5.84	$5.64	$5.44
2	1.48	1.43	1.38	1.78	1.72	1.66	5.84	5.64	5.44	5	1.54	1.49	1.44	2.03	1.97	1.91	6.91	6.71	6.51
3	1.15	1.10	1.05	1.51	1.44	1.38	5.21	5.01	4.81	6	1.51	1.46	1.41	1.82	1.76	1.70	5.97	5.77	5.57

TABLE 5—CONVERSION FACTORS METAL CONTAINERS (Part 1) Areas 1, 2, and 6

To convert from a can size in this column	To a can size listed at the head of a column below, multiply by the appropriate conversion factor					
	8 oz.	No. 1 picnic	No. 1 tall	No. 2	No. 2½	No. 10
8 oz	------	------	------	1.66	2.00	6.56
No. 1 picnic	------	------	------	1.54	1.85	6.07
No. 1 tall	------	------	------	1.17	1.41	4.62
No. 2	.60	.65	.86	------	1.20	3.95
No. 2½	.50	.54	.71	.83	------	3.28
No. 10	.15	.16	.22	.25	.30	------

(Part 2) Areas 3 and 4

To convert from a can size in this column	To a can size listed at the head of a column below, multiply by the appropriate conversion factor					
	8 oz.	No. 1 picnic	No. 1 tall	No. 2	No. 2½	No. 10
8-oz	------	1.09	1.43	1.75	2.33	7.91
No. 1 picnic	.92	------	1.32	1.61	2.13	7.32
No. 1 tall	.70	.76	------	1.22	1.61	5.56
No. 2	.57	.62	.82	------	1.32	4.54
No. 2½	.43	.47	.62	.76	------	3.44
No. 10	.13	.14	.18	.22	.29	------

TABLE 5—CONVERSION FACTORS METAL CONTAINERS—Continued (Part 3) Area 5

To convert from a can size in this column	To a can size listed at the head of a column below, multiply by the appropriate conversion factor					
	8 oz.	No. 1 picnic	No. 1 tall	No. 2	No. 2½	No. 10
8-oz	------	1.09	1.45	1.54	2.00	7.14
No. 1 picnic	.92	------	1.32	1.41	1.85	6.67
No. 1 tall	.69	.76	------	1.06	1.39	5.00
No. 2	.65	.71	.94	------	1.31	4.72
No. 2½	.50	.54	.72	.76	------	3.64
No. 10	.14	.15	.20	.21	.28	------

TABLE 6—CONVERSION FROM TIN TO GLASS

[Dollars per dozen containers]

If you can figure a price for a can size in this column	To get a price for a glass container size in this column add (or subtract) the indicated amount.
No. 2½ can	2½ glass—add $0.15 per dozen.
No. 2½ can	303 glass—subtract $0.37 per dozen.

[Table 6 amended by Am. 14, 9 F.R. 13950, effective 11-16-44]

TABLE 7—GRADE DIFFERENTIALS

	Differentials between successive grades (per dozen)		
	No. 2	No. 2½	No. 10
Fancy and Extra Standard	$0.05	$0.0625	$0.20
Extra Standard & Standard	.05	.0625	.20
Standard & Substandard	.10	.1250	.40

*NOTE: The following counties are included in Southern Pennsylvania: Elk, Cameron, Clinton, Lycoming, Sullivan, Wyoming, Lackawanna, Pike, Monroe, Luzerne, Columbia, Montour, Union, Centre, Clearfield, Jefferson, Clarion, Butler, Lawrence, Beaver, Armstrong, Indiana, Allegheny, Washington, Greene, Fayette, Westmoreland, Somerset, Cambria, Blair, Bedford, Huntington, Fulton, Franklin, Mifflin, Snyder, Juniata, Perry, Cumberland, Adams, Dauphin, York, Northumberland, Lebanon, Schuykill, Carbon, Northampton, Lehigh, Berks, Lancaster, Bucks, Montgomery, Chester, Delaware, Philadelphia.

APPENDIX B—ASPARAGUS

Explanation and example of how maximum prices are figured for asparagus. In making conversions for grade, for style of pack, and for container type and size, under subparagraph (2), (3) or (4) of the supplement in the case of asparagus the order in which the steps in figuring the maximum price are to be taken differ from those specified in the note at the beginning of section 5 (a) (2) of the supplement. In figuring a maximum price under subparagraph (2), (3) or (4) for asparagus steps are to be taken in the order indicated below in all cases, although in many cases not all of the steps are necessary. In all cases, where the processor is figuring a maximum price for a different style of pack of asparagus than packed in the base period, he must add the permitted increase for the same style of pack as packed in the base period before converting for the change in style for the reason that the permitted increases for all styles of pack are different.

Order in which steps are to be taken in figuring a maximum price for asparagus under subparagraph (2), (3) and (4) of section 5 (a).

1. Convert for container type and size.
2. Add permitted increase specified in Table 3 for style of pack sold in base period.
3. Convert for style.
4. Convert for grade.
5. Apply the limitations of the price range.
6. Convert for container types and size.

Example. The A Canning Company whose factory is located in Washington sold Fancy, All Green Colossal Asparagus Spears in #1 picnic cans during the base period. This company is now pricing Standard All Green Cut Spears in 8 oz. cans.

The A company figures its weighted average price for No. 1 picnic cans during the base period to be $1.95 per dozen. The company then converts this figure to a base price for a No. 2 can, the nearest container size for which a price range is provided by multiplying it by 1.60 the conversion factor named in Table 5 (part 2) for converting from a No. 1 picnic to a No. 2 can ($1.95×1.60=$3.12). To this figure the company adds the permitted increase of $.90 specified in Table 3 (part 2) for this area for all Green Colossal Spears in No. 2 cans. ($3.12 plus 90¢=$4.02). From this figure the company subtracts $.50 the style difference between All Green Colossal Spears and Cut Spears specified in Table 6 (part 2) ($4.02−50¢=$3.52). From the resulting figure the company subtracts 20¢ the grade difference between Fancy and Standard specified in Table 7. ($3.52−20¢=$3.32). The company then checks this figure to see if it falls within the price range specified in Table 3 (part 2) for All Green Cut Spears, Standard Grade in No. 2 cans for Area 2. Since the resulting figure is higher than the highest price named in the range for this item, the company used $2.79 the highest price named in the price range, to continue its computation. The company then converts this figure to a maximum price for the 8 oz. size can which is being priced by multiplying it by .46 the conversion factor named in Table 5 (part 2) for converting from No. 2 can to an 8 oz. can ($2.79 times .46=$1.2834). The A company's maximum price for sales to purchasers other than government procurement agencies for All Green Cut Spears Standard Grade packed in 8 oz. cans is $1.28 per dozen.

TABLE 1—AREAS

1. California.
2. Washington and Oregon.
3. Illinois, Michigan, Minnesota, Iowa, Nebraska, Wisconsin, Ohio and Indiana.
4. New Jersey, Delaware and Maryland.
5. All other states.

TABLE 2—BASE PERIOD PRICES (ALL AREAS)

Weighted average selling price for the first 60 days after the beginning of the 1941 pack.

TABLE 3—PERMITTED INCREASES AND PRICE RANGES PER DOZEN CONTAINERS FOR PROCESSORS OF PACKED ASPARAGUS WHO MADE SALES DURING THE BASE PERIOD

(PART 1) AREA 1

Item No. and variety	Style and size	No. 2 can			No. 2½ can			No. 10 can		
		Permitted increase	Price ranges		Permitted increase	Price ranges		Permitted increase	Price ranges	
			Fancy	Standard		Fancy	Standard		Fancy	Standard
All green	Whole Spears:									
1	Colossal	$0.85	$3.78–$3.84	$3.58–$3.64						
2	Mammoth	.80	3.69– 3.79	3.49– 3.59						
3	Large	.75	3.59– 3.69	3.39– 3.49						
4	Medium	.65	3.37– 3.45	3.17– 3.25						
5	Small	.55	3.18– 3.26	2.98– 3.06						
	Blended Spears:									
5a	Colossal/Mammoth/Large	.80	3.69– 3.79	3.49– 3.59						
6	Mammoth/Large	.78	3.64– 3.74	3.44– 3.54						
7	Mam./Large/Med	.73	3.55– 3.64	3.35– 3.44						
8	Large/Medium	.70	3.48– 3.57	3.28– 3.37						
8a	Large/Medium/Small	.65	3.37– 3.45	3.17– 3.25						
9	Medium/Small	.60	3.28– 3.35	3.08– 3.15						
10	Cut Spears	.54	3.00– 3.08	2.80– 2.88				$2.62	$15.24–$15.64	$14.24–$14.64
11	Center Cuts	.19		1.25– 1.33				.94		6.20– 6.60
12	Soup Cuts	.48		2.74– 2.82				2.22		12.97– 13.33
13	Salad points	.88	4.16– 4.24	3.96– 4.04				4.06	19.20– 19.60	18.20– 18.60
Other than all green										
	Whole Spears:									
14	Colossal	.56	2.94– 3.02	2.74– 2.82						
15	Mammoth	.56	2.94– 3.02	2.74– 2.82						
16	Large	.56	2.94– 3.02	2.74– 2.82						
17	Medium	.56	2.91– 2.99	2.71– 2.79						
18	Small	.56	2.74– 2.82	2.54– 2.62						
	Blended Spears:									
19	Mammoth/Large	.56	2.94– 3.02	2.74– 2.82						
20	Mam./Large/Med	.56	2.93– 3.01	2.73– 2.81						
21	Large/Medium	.56	2.93– 3.01	2.73– 2.81						
22	Medium/Small	.56	2.83– 2.91	2.63– 2.71						
23	Cut Spears	.50	2.52– 2.59	2.32– 2.39				2.43	12.50– 12.84	11.50– 11.84
24	Center Cuts	.15		.95– .99				.74		4.65– 4.79
25	Soup Cuts	.45		2.10– 2.16	$0.61		$2.83– 2.91	2.10		9.71– 9.97
26	Salad Points	.78	3.95– 4.07	3.75– 3.87				3.60	18.35– 18.85	17.35– 17.85

(PART 2) AREA 2

Item No. and variety	Style and size	No. 2 can			No. 10 can		
		Permitted increase	Price ranges		Permitted increase	Price ranges	
			Fancy	Standard		Fancy	Standard
All green	Whole Spears:						
1	Colossal	$0.90	$3.41–$3.51	$3.21–$3.31			
2	Mammoth	.88	3.38– 3.48	3.18– 3.28			
3	Large	.86	3.33– 3.43	3.13– 3.23			
4	Medium	.84	3.20– 3.28	3.00– 3.08			
5	Small	.82	2.89– 2.97	2.69– 2.77			
	Blended Spears:						
5a	Colossal/Mammoth/Large	.88	3.38– 3.48	3.18– 3.28			
6	Mammoth/Large	.87	3.36– 3.46	3.16– 3.26			
7	Mammoth/Large/Med	.86	3.30– 3.40	3.10– 3.20			
8	Large/Medium	.85	3.27– 3.36	3.07– 3.16			
8a	Large/Medium/Small	.84	3.20– 3.38	3.00– 3.08			
9	Medium/Small	.83	3.05– 3.13	2.85– 2.93			
10	Cut Spears	.78	2.93– 2.99	2.73– 2.79	$3.70	$13.89–$14.19	$12.89–$13.19
11	Center Cuts	.42		1.39– 1.43	1.90		6.30– 6.49
12	Soup Cuts	.55		2.04– 2.10	2.60		9.90– 10.18

TABLE 3—PERMITTED INCREASES AND PRICE RANGES PER DOZEN CONTAINERS FOR PROCESSORS OF PACKED ASPARAGUS WHO MADE SALES DURING THE BASE PERIOD—Continued

(PART 3) AREA 3

Item No. and variety	Style and size	No. 2 can			No. 10 can		
		Permitted increase	Price ranges		Permitted increase	Price ranges	
			Fancy	Standard		Fancy	Standard
All green	Whole Spears:						
1	Colossal	$0.89	$3.85–$3.99	$3.65–$3.79			
2	Mammoth	.85	3.63– 3.77	3.43– 3.57			
3	Large	.81	3.45– 3.55	3.25– 3.35			
4	Medium	.77	3.25– 3.35	3.05– 3.15			
5	Small	.73	3.09– 3.17	2.89– 2.97			
	Blended Spears:						
5a	Colossal/Mammoth/Large	.85	3.63– 3.77	3.43– 3.57			
6	Mammoth/Large	.83	3.54– 3.66	3.34– 3.46			
7	Mammoth/Large/Med	.81	3.44– 3.56	3.24– 3.36			
8	Large/Medium	.79	3.35– 3.45	3.15– 3.25			
8a	Large/Medium/Small	.77	3.25– 3.35	3.05– 3.15			
9	Medium/Small	.75	3.17– 3.26	2.97– 3.06			
10	Cut Spears	.78	2.71– 2.77	2.51– 2.57	$3.70	$13.53–13.81	$12.53– $12.81
11	Center Cuts	.50		2.07– 2.13	2.26		9.53– 9.81

(PART 4) AREA 4

All green	Whole Spears:						
1	Colossal	$1.14	$3.67–$3.81	$3.47–$3.61			
2	Mammoth	1.10	3.62– 3.76	3.42– 3.56			
3	Large	1.06	3.50– 3.60	3.30– 3.40			
4	Medium	1.02	3.38– 3.48	3.18– 3.28			
5	Small	.98	3.27– 3.35	3.07– 3.15			
	Blended Spears:						
5a	Colossal/Mammoth/Large	1.10	3.62– 3.76	3.42– 3.56			
6	Mammoth/Large	1.08	3.56– 3.68	3.36– 3.48			
7	Mammoth/Large/Medium	1.06	3.50– 3.62	3.30– 3.42			
8	Large/Medium	1.04	3.44– 3.54	3.24– 3.34			
8a	Large/Medium/Small	1.02	3.38– 3.48	3.18– 3.28			
9	Medium/Small	1.00	3.32– 3.42	3.12– 3.22			
10	Cut Spears	1.03	2.91– 2.97	2.71– 2.77	$4.89	$14.25–$14.52	$13.25–$13.52
11	Center Cuts	.62		1.72– 1.78	2.81		7.74– 8.02

(PART 5) AREA 5

All green	Whole Spears:						
1	Colossal	$0.89	$3.85–$3.99	$3.65–$3.79			
2	Mammoth	.85	3.63– 3.77	3.43– 3.57			
3	Large	.81	3.45– 3.55	3.25– 3.35			
4	Medium	.77	3.25– 3.35	3.05– 3.15			
5	Small	.73	3.09– 3.17	2.89– 2.97			
	Blended Spears:						
5a	Colossal/Mammoth/Large	.85	3.63– 3.77	3.43– 3.57			
6	Mammoth/Large	.83	3.54– 3.66	3.34– 3.46			
7	Mammoth/Large/Medium	.81	3.44– 3.56	3.24– 3.36			
8	Large/Medium	.79	3.35– 3.45	3.15– 3.25			
8a	Large/Medium/Small	.77	3.25– 3.35	3.05– 3.15			
9	Medium/Small	.75	3.17– 3.26	2.97– 3.06			
10	Cut Spears	.78	2.71– 2.77	2.31– 2.57	$3.70	$13.53–$13.81	$12.53–$12.81
11	Center Cuts	.50		2.07– 2.13	2.26		9.53– 9.81

[Table 3 amended by Am. 6, 9 F.R. 10709, effective 8–30–44; and Am. 13, 9 F.R. 12267, effective 10–7–44]

TABLE 4—SPECIFIC DOLLARS-AND-CENTS MAXIMUM PRICES FOR PROCESSORS WHO WERE NOT IN BUSINESS DURING 1941 OR WHO MADE NO SALES OF PACKED ASPARAGU DURING THE BASE PERIOD

(PART 1) AREA 1

(Dollars per dozen)

Item No. and variety	Style and size	No. 2 can		No. 2½ can	No. 10 can		Item No. and variety	Style and size	No. 2 can		No. 2½ can	No. 10 can	
		Fancy	Standard	Standard	Fancy	Standard			Fancy	Standard	Standard	Fancy	Standard
All green	Whole Spears:						*Other than all green*	Whole Spears:					
1	Colossal	$3.81	$3.61				14	Colossal	$2.98	$2.78			
2	Mammoth	3.74	3.54				15	Mammoth	2.98	2.78			
3	Large	3.64	3.44				16	Large	2.98	2.78			
4	Medium	3.41	3.21				17	Medium	2.95	2.75			
5	Small	3.22	3.02				18	Small	2.78	2.58			
	Blended Spears:							Blended Spears:					
5a	Colossal/Mammoth/Large	3.74	3.54				19	Mammoth /Large	2.98	2.78			
6	Mammoth/Large	3.69	3.49				20	Mam./Large/Medium	2.97	2.77			
7	Mam./Large/Medium	3.60	3.40				21	Large/Medium	2.97	2.77			
8	Large/Medium	3.53	3.33				22	Medium/Small	2.87	2.67			
8a	Large/Medium/Small	3.41	3.21				23	Cut Spears	2.56	2.36		$12.67	$11.67
9	Medium/Small	3.32	3.12				24	Center Cuts		.97			4.72
10	Cut Spears	3.04	2.84		$15.44	$14.44	25	Soup Cuts		2.13	$2.87		9.84
11	Center Cuts		1.29			6.40	26	Salad Points	4.01	3.81		18.60	17.60
12	Soup Cuts		2.78			13.15							
13	Salad Points	4.20	4.00		19.40	18.40							

TABLE 4—SPECIFIC DOLLARS-AND-CENTS MAXIMUM PRICES FOR PROCESSORS WHO WERE NOT IN BUSINESS DURING 1941 OR WHO MADE NO SALES OF PACKED ASPARAGUS DURING THE BASE PERIOD—Continued

(PART 2) AREA 2

(Dollars per dozen)

Item number and variety	Style and size	No. 2 can		No. 10 can	
		Fancy	Standard	Fancy	Standard
All green	Whole Spears:				
1	Colossal	$3.46	$3.26		
2	Mammoth	3.43	3.23		
3	Large	3.38	3.18		
4	Medium	3.24	3.04		
5	Small	2.93	2.73		
All green	Blended Spears:				
5a	Colossal/Mammoth/Large	$3.43	$3.23		
6	Mammoth/Large	3.41	3.21		
7	Mam./Large/Medium	3.35	3.15		
8	Large/Medium	3.32	3.12		
8a	Large/Medium/Small	3.24	3.04		
9	Medium/Small	3.09	2.89		
10	Cut Spears	2.96	2.76	$14.04	$13.04
11	Center Cuts		1.41		6.40
12	Soup Cuts		2.07		10.04

(PART 3) AREA 3

Item number and variety	Style and size	No. 2 can		No. 10 can	
		Fancy	Standard	Fancy	Standard
All green	Whole Spears:				
1	Colossal	$3.92	$3.72		
2	Mammoth	3.70	3.50		
3	Large	3.50	3.30		
4	Medium	3.30	3.10		
5	Small	3.13	2.93		
All green	Blended Spears:				
5a	Colossal/Mammoth/Large	$3.70	$3.50		
6	Mammoth/Large	3.60	3.40		
7	Mam./Large/Medium	3.50	3.30		
8	Large/Medium	3.40	3.20		
8a	Large/Medium/Small	3.30	3.10		
9	Medium/Small	3.22	3.02		
10	Cut Spears	2.74	2.54	$13.67	$12.67
11	Center Cuts		2.10		9.67

(PART 4) AREA 4

Item number and variety	Style and size	No. 2 can		No. 10 can	
		Fancy	Standard	Fancy	Standard
All green	Whole Spears:				
1	Colossal	$3.74	$3.54		
2	Mammoth	3.69	3.49		
3	Large	3.55	3.35		
4	Medium	3.43	3.23		
5	Small	3.31	3.11		
All green	Blended Spears:				
5a	Colossal/Mammoth/Large	$3.69	$3.49		
6	Mammoth/Large	3.62	3.42		
7	Mam./Large/Medium	3.56	3.36		
8	Large/Medium	3.49	3.29		
8a	Large/Medium/Small	3.43	3.23		
9	Medium/Small	3.37	3.17		
10	Cut Spears	2.94	2.74	$14.37	$13.37
11	Center Cuts		1.75		7.88

(PART 5) AREA 5

Item number and variety	Style and size	No. 2 can		No. 10 can	
		Fancy	Standard	Fancy	Standard
All green	Whole Spears:				
1	Colossal	$3.92	$3.72		
2	Mammoth	3.70	3.50		
3	Large	3.50	3.30		
4	Medium	3.30	3.10		
5	Small	3.13	2.93		
	Blended Spears:				
5a	Colossal/Mammoth/Large	3.70	3.50		
All green	Blended Spears—Continued.				
6	Mammoth/Large	$3.60	$3.40		
7	Mam./Large/Medium	3.50	3.30		
8	Large/Medium	3.40	3.20		
8a	Large/Medium/Small	3.30	3.10		
9	Medium/Small	3.22	3.02		
10	Cut Spears	2.74	2.54	$13.67	$12.67
11	Center Cuts		2.10		9.67

[Table 4 amended by Am. 6, 9 F.R. 10709, effective 8-30-44; and Am. 13, 9 F.R. 12267, effective 10-7-44]

TABLE 5—CONVERSION FACTORS METAL CONTAINERS

(PART 1) AREA 1

All green variety

To convert from a can size in this column—	To a can size listed at the head of a column below, multiply by the appropriate conversion factor—					
	8-oz.	No. 1 picnic	No. 1 tall	No. 2	No. 1 square	No. 10
Whole Spears:						
No. 1 picnic				1.55	2.02	
No. 1 tall				1.32	1.71	
No. 2		.64	.76		1.30	
No. 1 square		.49	.58	.77		
Cut Spears and Soup Cuts:						
8-ounce				2.23		10.31
Cut Spears and Soup Cuts—Con.						
No. 1 picnic					1.59	7.36
No. 2	.45	.63				4.86
No. 10	.10	.14		.21		
Center Cuts:						
No. 2						4.95
No. 10				.20		

(PART 1) AREA 1

Other than all green variety

To convert from a can size in this column—	To a can size listed at the head of a column below, multiply by the appropriate conversion factor—							
	8-oz.	No. 1 picnic	No. 1 tall	No. 2	No. 2½ square	No. 1 square	No. 2½ regular	No. 10
Whole Spears:								
8-ounce				2.84				
No. 1 Picnic				1.49				
No. 1 Tall				1.36				
No. 2	.35	.67	.73		1.21	1.25	1.38	
No. 2½ Square				.83				
No. 1 Square				.80				
No. 2½ Regular				.73				
Cut Spears and Soup Cuts:								
8-ounce				2.23				10.31
No. 1 Picnic				1.59				7.36
No. 2	.45	.63						4.86
No. 10	.10	.14		.21				
Center Cuts:								
No. 2								4.95
No. 10				.20				

TABLE 5—CONVERSION FACTORS METAL CONTAINERS—Continued

(PART 2) AREAS 2, 3, 4, AND 5

All green variety

To convert from a can size in this column—	To a can size listed at the head of a column below, multiply by the appropriate conversion factor—						To convert from a can size in this column—	To a can size listed at the head of a column below, multiply by the appropriate conversion factor—					
	8-oz.	No. 1 picnic	No. 300	No. 1 tall	No. 2	No. 10		8-oz.	No. 1 picnic	No. 300	No. 1 tall	No. 2	No. 10
Whole Spears:							Cut Spears and Soup Cuts—Con.						
No. 1 picnic					1.60		No. 2	.46	.62				4.74
No. 300					1.27		No. 10	.10	.13			.21	
No. 1 tall					1.18		Center Cuts:						
No. 2		.62	.78	.84			No. 300					1.28	5.80
Cut Spears and Soup Cuts:							No. 2			.78			4.53
8 ounce					2.15	10.20	No. 10			.17		.22	
No. 1 picnic					1.61	7.63							

TABLE 6—DIFFERENCES BETWEEN STYLES (DOLLARS PER DOZEN CONTAINERS)

PART 1: AREA 1

All green variety

No. 2 cans

To convert from a style in this column—	To a style listed at the head of a column below add (or subtract as indicated) the stated difference—												
	Salad points	Whole spears									Cut spears	Soup cuts	Center cuts
		Colossal	Mammoth	Mammoth/large	Large	Mam/large/medium	Large/medium	Medium	Med/sm. blended	Small			
Salad Points	0	$−0.39	$−0.46	$−0.51	$−0.56	$−0.60	$−0.67	$−0.79	$−0.88	$−0.98	$−1.16	$−1.22	$−2.71
Whole Spears:													
Colossal	+$0.39	0	−.07	−.12	−.17	−.21	−.28	−.40	−.49	−.59	−.77	−.83	−2.32
Mammoth	+.46	+.07	0	−.05	−.10	−.14	−.21	−.33	−.42	−.52	−.70	−.76	−2.25
Mammoth/Large	+.51	+.12	+.05	0	−.05	−.09	−.16	−.28	−.37	−.47	−.65	−.71	−2.20
Large	+.56	+.17	+.10	+.05	0	−.04	−.11	−.23	−.32	−.42	−.60	−.66	−2.15
Mammoth/Large/Medium	+.60	+.21	+.14	+.09	+.04	0	−.07	−.19	−.28	−.38	−.56	−.62	−2.11
Large/Medium	+.67	+.28	+.21	+.16	+.11	+.07	0	−.12	−.21	−.31	−.49	−.55	−2.04
Medium	+.79	+.40	+.33	+.28	+.23	+.19	+.12	0	−.09	−.19	−.37	−.43	−1.92
Medium/Small	+.88	+.49	+.42	+.37	+.32	+.28	+.21	+.09	0	−.10	−.28	−.34	−1.83
Small	+.98	+.59	+.52	+.47	+.42	+.38	+.31	+.19	+.10	0	−.18	−.24	−1.73
Cut Spears	+1.16	+.77	+.70	+.65	+.60	+.56	+.49	+.37	+.28	+.18	0	−.06	−1.55
Soup Cuts	+1.22	+.83	+.76	+.71	+.66	+.62	+.55	+.43	+.34	+.24	+.06	0	−1.49
Center Cuts	+2.71	+2.32	+2.25	+2.20	+2.15	+2.11	+2.04	+1.92	+1.83	+1.73	+1.55	+1.49	0

No. 10 cans

Style	Salad points	Cut spears	Soup cuts	Center cuts	Style	Salad points	Cut spears	Soup cuts	Center cuts
Salad Points	$0	$−3.96	$−5.25	$−12.00	Soup Cuts	$+5.25	$+1.29	$0	$−6.75
Cut Spears	+3.96	0	−1.29	−8.04	Center Cuts	+12.00	+8.04	+6.75	0

Other than all green variety

No. 2 cans

To convert from a style in this column—	To a style listed at the head of a column below, add (or subtract as indicated) the stated difference—												
	Salad points	Whole spears									Cut spears	Soup cuts	Center cuts
		Colossal	Mammoth	Mammoth/large	Large	Mam/Large/medium	Large/medium	Medium	Medium/small	Small			
Salad Points	0	$−1.03	$−1.03	$−1.03	$−1.03	$−1.04	$−1.04	$−1.06	$−1.14	$−1.23	$−1.45	$−1.68	$−2.84
Whole Spears:													
Colossal	$+1.03	0	0	0	0	−.01	−.01	−.03	−.11	−.20	−.42	−.65	−1.81
Mammoth	+1.03	0	0	0	0	−.01	−.01	−.03	−.11	−.20	−.42	−.65	−1.81
Large	+1.03	0	0	0	0	−.01	−.01	−.03	−.11	−.20	−.42	−.65	−1.81
Mammoth/Large	+1.03	0	0	0	0	−.01	−.01	−.03	−.11	−.20	−.42	−.65	−1.81
Mammoth/Large/Medium	+1.04	+.01	+.01	+.01	+.01	0	0	−.02	−.10	−.19	−.41	−.64	−1.80
Large/Medium	+1.04	+.01	+.01	+.01	+.01	0	0	−.02	−.10	−.19	−.41	−.64	−1.80
Medium	+1.06	+.03	+.03	+.03	+.03	+.02	+.02	0	−.08	−.17	−.39	−.62	−1.78
Medium/Small	+1.14	+.11	+.11	+.11	+.11	+.10	+.10	+.08	0	−.09	−.31	−.54	−1.70
Small	+1.23	+.20	+.20	+.20	+.20	+.19	+.19	+.17	+.09	0	−.22	−.45	−1.61
Cut Spears	+1.45	+.42	+.42	+.42	+.42	+.41	+.41	+.39	+.31	+.22	0	−.23	−1.39
Soup Cuts	+1.68	+.65	+.65	+.65	+.65	+.64	+.64	+.62	+.54	+.45	+.23	0	−1.16
Center Cuts	+2.84	+1.81	+1.81	+1.81	+1.81	+1.80	+1.80	+1.78	+1.70	+1.61	+1.39	+1.16	0

TABLE 6—DIFFERENCES BETWEEN STYLES (DOLLARS PER DOZEN CONTAINERS)—Continued

PART 1: AREA I—continued

No. 10 cans

Style	Salad points	Cut spears	Soup cuts	Center cuts	Style	Salad points	Cut spears	Soup cuts	Center cuts
Salad Points	0	?−5.93	−$7.76	$−12.88	Soup Cuts	$+7.76	$+1.83	$0	$−5.12
Cut Spears	$+5.93	0	−1.83	−6.95	Center Cuts	+12.88	+6.95	+5.12	0

PART 2: AREA II

All green variety

No. 2 cans

To convert from a style in this column—	To a style listed at the head of a column below, add (or subtract as indicated) the stated difference—											
	Whole spears								Cut spears	Small spears	Soup cuts	Center cuts
	Colossal	Mammoth	Mammoth/large	Large	Mam/Large/medium	Large/medium	Medium	Medium/small				
Whole Spears: Colossal	0	$−0.03	$−0.05	$−0.08	$−0.11	$−0.14	$−0.22	$−0.37	$−0.50	$−0.53	$−1.19	$−1.85
Mammoth	$+.03	0	−.02	−.05	−.08	−.11	−.19	−.34	−.47	−.50	−1.16	−1.82
Mammoth/Large	+.05	+.02	0	−.03	−.06	−.09	−.17	−.32	−.45	−.48	−1.14	−1.80
Large	+.08	+.05	+.03	0	−.03	−.06	−.14	−.29	−.42	−.45	−1.11	−1.77
Mammoth/Large/Medium	+.11	+.08	+.06	+.03	0	−.03	−.11	−.26	−.39	−.42	−1.08	−1.74
Large/Medium	+.14	+.11	+.09	+.06	+.03	0	−.08	−.23	−.36	−.39	−1.05	−1.71
Medium	+.22	+.19	+.17	+.14	+.11	+.08	0	−.15	−.28	−.31	−.97	−1.63
Medium/Small	+.37	+.34	+.32	+.29	+.26	+.23	+.15	0	−.13	−.16	−.82	−1.48
Cut Spears	+.50	+.47	+.45	+.42	+.39	+.36	+.28	+.13	0	−.03	−.59	−1.35
Small Spears	+.53	+.50	+.48	+.45	+.42	+.39	+.31	+.16	+.03	0	−.66	−1.32
Soup Cuts	+1.19	+1.16	+1.14	+1.11	+1.08	+1.05	+.97	+.82	+.69	+.66	0	−.66
Center Cuts	+1.85	+1.82	+1.80	+1.77	+1.74	+1.71	+1.63	+1.48	+1.35	+1.32	+.66	0

No. 10 cans

Style	Cut spears	Soup cuts	Center cuts
Cut Spears	0	$−3.00	$−6.64
Soup Cuts	$+3.00	0	−3.64
Center Cuts	+6.64	+3.64	0

PART 3: AREA III

All green variety

No. 2 cans

To convert from a style in this column—	To a style listed at the head of a column below, add (or subtract as indicated) the stated difference—									
	Whole spears								Cut spears	Center cuts
	Colossal	Mammoth	Mammoth/large	Large	Large/medium	Medium	Medium/small	Small		
Whole Spears: Colossal	0	$−0.22	$−0.32	$−0.42	$−0.52	$−0.62	$−0.70	$−0.79	$−1.18	$−1.62
Mammoth	$+.22	0	−.10	−.20	−.30	−.40	−.48	−.57	−.96	−1.40
Mammoth/Large	+.32	+.10	0	−.10	−.20	−.30	−.38	−.47	−.86	−1.30
Large	+.42	+.20	+.10	0	−.10	−.20	−.28	−.37	−.76	−1.20
Large/Medium	+.52	+.30	+.20	+.10	0	−.10	−.18	−.27	−.66	−1.10
Medium	+.62	+.40	+.30	+.20	+.10	0	−.08	−.17	−.56	−1.00
Medium/Small	+.70	+.48	+.38	+.28	+.18	+.08	0	−.09	−.48	−.92
Small	+.79	+.57	+.47	+.37	+.27	+.17	+.09	0	−.39	−.83
Cut Spears	+1.18	+.96	+.86	+.76	+.66	+.56	+.48	+.39	0	−.44
Center Cuts	+1.62	+1.40	+1.30	+1.20	+1.10	+1.00	+.92	+.83	+.44	0

No. 10 cans. Difference between Cut spears and Center cuts, $3.00.

TABLE 6—DIFFERENCES BETWEEN STYLES (DOLLARS PER DOZEN CONTAINERS)—Continued

PART 4: AREA IV

All green variety

No. 2 cans

To convert from a style in this column—	To a style listed at the head of a column below, add (or subtract as indicated) the stated difference—										
	Whole spears									Cut Spears	Center Cuts
	Colossal	Mammoth	Mammoth/large	Mam./large/medium	Large	Large/medium	Medium	Medium/small	Small		
Whole Spears:											
Colossal	0	$-0.05	$-0.12	$-0.18	$-0.19	$-0.25	$-0.31	$-0.31	$-0.43	$-0.80	$-1.79
Mammoth	$+0.05	0	-.07	-.13	-.14	-.20	-.26	-.32	-.38	-.75	-1.74
Mammoth/Large	+.12	+.07	0	-.06	-.07	-.13	-.19	-.25	-.31	-.68	-1.67
Mammoth/Large/Med	+.18	+.13	+.06	0	-.01	-.07	-.13	-.19	-.25	-.62	-1.61
Large	+.19	+.14	+.07	+.01	0	-.06	-.12	-.18	-.24	-.61	-1.60
Large/Medium	+.25	+.20	+.13	+.07	+.06	0	-.06	-.12	-.18	-.55	-1.54
Medium	+.31	+.26	+.19	+.13	+.12	+.06	0	-.06	-.12	-.49	-1.48
Medium/Small	+.37	+.32	+.25	+.19	+.18	+.12	+.06	0	-.06	-.43	-1.42
Small	+.43	+.38	+.31	+.25	+.24	+.18	+.12	+.06	0	-.37	-1.36
Cut Spears	+.80	+.75	+.68	+.62	+.61	+.55	+.49	+.43	+.37	0	-.99
Center Cuts	+1.79	+1.74	+1.67	+1.61	+1.60	+1.54	+1.48	+1.42	+1.36	+.99	0

No. 10 cans. Difference between Cut Spears and Center Cuts, $5.49.

[Table 6 amended by Am. 13, 9 F.R. 12267, effective 10–7–44]

PART 5: AREA V

All green variety

No. 2 cans

To convert from a style in this column—	To a style listed at the head of a column below, add (or subtract as indicated) the stated difference—									
	Whole spears								Cut spears	Center cuts
	Colossal	Mammoth	Mammoth/large	Large	Large/medium	Medium	Medium/small	Small		
Whole Spears:										
Colossal	0	$-0.22	$-0.32	$-0.42	$-0.52	$-0.62	$-0.70	$-0.79	$-1.18	$-1.62
Mammoth	$+0.22	0	-.10	-.20	-.30	-.40	-.48	-.57	-.96	-1.40
Mammoth/Large	+.32	+.10	0	-.10	-.20	-.30	-.38	-.47	-.86	-1.30
Large	+.42	+.20	+.10	0	-.10	-.20	-.28	-.37	-.76	-1.20
Large/Medium	+.52	+.30	+.20	+.10	0	-.10	-.18	-.27	-.66	-1.10
Medium	+.62	+.40	+.30	+.20	+.10	0	-.08	-.17	-.56	-1.00
Medium/Small	+.70	+.48	+.38	+.28	+.18	+.08	0	-.09	-.48	-.92
Small	+.79	+.57	+.47	+.37	+.27	+.17	+.09	0	-.39	-.83
Cut Spears	+1.18	+.96	+.86	+.76	+.66	+.56	+.48	+.39	0	-.44
Center Cuts	+1.62	+1.40	+1.30	+1.20	+1.10	+1.00	+.92	+.83	+.44	0

No. 10 cans. Difference between Cut spears and Center cuts, $3.00.

TABLE 7—GRADE DIFFERENTIALS

DIFFERENCES BETWEEN SUCCESSIVE GRADES (PER DOZEN CONTAINERS)

[All areas, all green and natural varieties, all styles]

	No. 2 cans	No. 10 cans
Fancy and standard	$0.20	$1.00
Standard and substandard	.10	.50

[Table 7 amended by Am. 13, 9 F.R. 12267, effective 10–7–44]

APPENDIX C—PEAS (EXCEPT BLACKEYE, CROWDER, CREAM, AND FIELD)

Explanation of how maximum prices for packed peas are figured. In making conversions for grade, for variety, for sieve size, and for container type and size under subparagraph (2), (3) or (4) of section 5 (a) of this supplement, in the case of packed peas the order in which the steps in figuring the maximum price are to be taken differs from those specified in the note at the beginning of section 5 (a) (2). In figuring maximum prices under those paragraphs for packed peas, steps are to be taken in the order indicated below in all cases, although in many cases not all of the steps are necessary.

In each case where the processor is figuring a maximum price for a grade or a variety of peas different from that sold in the base period, he must add the permitted increase for the same grade and same variety of peas as that sold in the base period, before converting for the change in variety or change in grade, for the reason that the permitted increases for each grade and each variety of peas are different.

However, this rule does not apply when the only grade of packed peas sold during the base period was substandard grade.

Conversions from metal containers to glass containers must be made in the 1944 prices and not in the base period prices, for the reason that the permitted increases and price ranges are based on cost increase and base period price data for metal containers only. In each case of conversion from metal to glass, the processor must first construct a maximum price for the item when packed in metal and then add the conversion factor named in Table 6, even though he packed the item in glass during the base period.

In each case of conversion from one variety and sieve size of peas to another variety and sieve size (including blends) of peas the processor must figure this conversion by taking the difference between the specific dollars-and-cents maximum prices named in Table 4 for the two items and either adding this difference to or subtracting it from the constructed base price, as the situation requires. Whether the differential is to be added or subtracted depends on whether the dollars-and-cents price named in Table 4 for the item being priced is higher or lower than that named for the item from which conversion is being made. (For example, the X Canning Company whose factory is located in Area 1 sold Fancy Alaska Peas, No. 3 sieve size, in No. 2 cans during the base period, but made no sales of sweet peas during that period. It is now pricing Fancy Sweet Peas, No. 2 sieve size, in No. 2 cans. To figure the conversion for variety the company takes the difference between the dollars-and-cents price named for the Alaska Pea item in Part 1 of Table 4, and the dollars-and-cents price named in Part 2 of Table 4, for the Sweet Pea item ($1.86-$1.61 equals $.25. Since the company is pricing an item with a higher dollars-and-cents price, the $.25 differential is added to its constructed base price in making the conversion for variety).

An example of how other conversions, such as the conversions for can size and for grade,

are figured is illustrated in the example in Appendix B for asparagus.

The word "ungraded" when used in connection with peas, refers to the sieve size and means not separated by sieve size.

The order in which the steps are to be taken in figuring the maximum price for an item of packed peas under subparagraph (2), (3) or (4) of section 5 (a) is as follows (however, note Exceptions below):

1. Convert for container size.
2. Add permitted increase specified in Table 3 for variety and grade of packed peas sold in the base period.
8. Convert for variety.
4. Convert for grade.
5. Convert for sieve size.
6. Apply the limitations of the price range.
7. Convert for container type and size.
8. Subtract subsidy payable per unit of the finished product (converted where necessary to the unit being sold, by the use of the conversion factors named in Table 5) when sales are made to purchasers other than government procurement agencies.

Exception 1: If the processor sold only substandard grade of packed peas in the base period, the steps and the order in which they are to be taken differ from those set forth above. In this situation, the steps are as follows:

First, convert for container size;

Next, convert to Standard grade;

Next, add the appropriate permitted increase for Standard grade;

Then, proceed with step 3 and the following steps in the usual order as specified above.

Exception 2: If the processor is pricing substandard grade, the steps and order in which they are to be taken differ from those set forth above. In this situation, step 4 must follow step 6 instead of preceding step 5; otherwise, steps are to be taken in the usual order as set forth above.

NOTE: Both Exceptions 1 and 2 apply where the processor sold only substandard grade in the base period and is now pricing substandard grade. In this situation the usual procedure is varied in the manner indicated by both Exceptions.

[Above text amended by Am. 11, 9 F.R. 11901, effective 9-27-44. Heading to Appendix C amended by Am. 15, 9 F.R. 13631, effective 11-17-44]

A special pricing provision applicable to Blair Process peas appears at the end of the tables.

[Above paragraph added by Am. 13, 9 F.R. 12267, effective 10-7-44]

TABLE 1—AREAS

1. Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.
2. Indiana, Illinois, Ohio.
3. Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Wisconsin.
4. Arizona, Colorado, Idaho, Montana, New Mexico, Nevada, Utah, Wyoming.
5. California, Oregon, Washington (except those counties included in Area 6).
6. Washington (Skagit and Snohomish counties).

[Item 5 amended and 6 added by Am 13, 9 F.R. 12267, effective 10-7-44]

TABLE 2—BASE PERIOD PRICES (ALL AREAS)

Weighted average selling price for the first 60 days after the beginning of the 1941 pack.

TABLE 3—PERMITTED INCREASES AND PRICE RANGES PER DOZEN CONTAINERS FOR PROCESSORS OF PACKED PEAS WHO MADE SALES DURING THE BASE PERIOD

PART 1—ALASKA PEAS

Item No.	Area	Sieve size	No. 2 cans						No. 10 cans					
			Fancy		Ex. Standard		Standard		Fancy		Ex. Standard		Standard	
			Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges
1	1	No. 1	$0.40	$1.79–$2.05	$0.38	$1.63–$1.77	$0.36	$1.60–$1.68	$2.03	$9.09–$10.41	$1.93	$8.28–$8.99	$1.83	$8.13–$8.53
2		No. 2	.40	1.62– 1.88	.38	1.51– 1.65	.36	1.48– 1.56	2.03	8.23– 9.55	1.93	7.67– 8.38	1.83	7.52– 7.92
3		No. 3	.40	1.48– 1.74	.38	1.35– 1.49	.36	1.33– 1.41	2.03	7.52– 8.84	1.93	6.86– 7.57	1.83	6.76– 7.16
4		No. 4 and up	.40	1.38– 1.64	.38	1.25– 1.39	.36	1.23– 1.31	2.03	7.01–8.33	1.93	6.35– 7.06	1.83	6.25– 6.66
5		Ungraded	.40	1.38– 1.64	.38	1.25– 1.39	.36	1.23– 1.31	2.03	7.01–8.33	1.93	6.35– 7.06	1.83	6.25– 6.65
6	2	No. 1	.45	2.00– 2.10	.43	1.70– 1.84	.41	1.54– 1.66	2.29	10.16–10.67	2.18	8.64– 9.35	2.08	7.82– 8.43
7		No. 2	.45	1.83– 1.93	.43	1.55– 1.69	.41	1.41– 1.53	2.29	9.30– 9.80	2.18	7.87– 8.58	2.08	7.16– 7.77
8		No. 3	.45	1.66– 1.76	.43	1.41– 1.55	.41	1.28– 1.40	2.29	8.43– 8.94	2.18	7.16– 7.87	2.08	6.50– 7.11
9		No. 4 and up	.45	1.54– 1.64	.43	1.30– 1.44	.41	1.18– 1.30	2.29	7.82– 8.33	2.18	6.60– 7.32	2.08	5.99– 6.60
10		Ungraded	.45	1.54– 1.64	.43	1.30– 1.44	.41	1.18– 1.30	2.29	7.82– 8.33	2.18	6.60– 7.32	2.08	5.99– 6.60
11	3	No. 1	.36	1.80– 2.00	.33	1.57– 1.71	.31	1.41– 1.53	1.83	9.14–10.16	1.68	7.98– 8.69	1.57	7.16– 7.77
12		No. 2	.36	1.66– 1.86	.33	1.45– 1.59	.31	1.30– 1.42	1.83	8.43– 9.45	1.68	7.37– 8.08	1.57	6.60– 7.21
13		No. 3	.36	1.48– 1.68	.33	1.29– 1.43	.31	1.16– 1.28	1.83	7.52– 8.53	1.68	6.55– 7.26	1.57	5.89– 6.50
14		No. 4 and up	.36	1.35– 1.55	.33	1.18– 1.32	.31	1.07– 1.19	1.83	6.86– 7.87	1.68	5.99– 6.71	1.57	5.44– 6.04
15		Ungraded	.36	1.35– 1.55	.33	1.18– 1.32	.31	1.07– 1.19	1.83	6.86– 7.87	1.68	5.99– 6.71	1.57	5.44– 6.04
16	4	No. 1	.39	1.80– 1.92	.35	1.56– 1.66	.33	1.40– 1.48	1.98	9.14– 9.75	1.78	7.92– 8.43	1.68	7.11– 7.52
17		No. 2	.39	1.66– 1.78	.35	1.45– 1.55	.33	1.29– 1.37	1.98	8.43– 9.04	1.78	7.37– 7.87	1.68	6.55– 6.96
18		No. 3	.39	1.46– 1.58	.35	1.28– 1.38	.33	1.16– 1.24	1.98	7.42– 8.03	1.78	6.50– 7.01	1.68	5.89– 6.30
19		No. 4 and up	.39	1.36– 1.48	.35	1.18– 1.28	.33	1.07– 1.15	1.98	6.91– 7.52	1.78	5.99– 6.50	1.68	5.44– 5.84
20		Ungraded	.39	1.36– 1.48	.35	1.18– 1.28	.33	1.07– 1.15	1.98	6.91– 7.52	1.78	5.99– 6.50	1.68	5.44– 5.84
21	5	No. 1	.36	1.79– 1.99	.34	1.55– 1.71	.32	1.44– 1.58	1.83	9.09–10.11	1.73	7.87– 8.69	1.63	7.32– 8.03
22		No. 2	.36	1.65– 1.85	.34	1.43– 1.59	.32	1–34– 1.48	1.83	8.38– 9.40	1.73	7.26– 8.08	1.63	6.81– 7.52
23		No. 3	.36	1.46– 1.66	.34	1.27– 1.43	.32	1.19– 1.33	1.83	7.42– 8.43	1.73	6.45– 7.26	1.63	6.04– 6.76
24		No. 4 and up	.36	1.34– 1.54	.34	1.16– 1.32	.32	1.10– 1.24	1.83	6.81– 7.82	1.73	5.89– 6.71	1.63	5.59– 6.30
25		Ungraded	.36	1.34– 1.54	.34	1.16– 1.32	.32	1.10– 1.24	1.83	6.81– 7.82	1.73	5.89– 6.71	1.63	5.59– 6.30
26	6	No. 1	.41	1.84– 2.04	.39	1.60– 1.76	.37	1.49– 1.63	2.08	9.34–10.56	1.98	8.12– 8.94	1.88	7.56– 8.28
27		No. 2	.41	1.70– 1.90	.39	1.48– 1.64	.37	1.39– 1.53	2.08	8.63– 9.65	1.98	7.51– 8.33	1.88	7.05– 7.77
28		No. 3	.41	1.51– 1.71	.39	1.32– 1.48	.37	1.24– 1.38	2.08	7.66– 8.68	1.98	6.70– 7.52	1.88	6.30– 7.02
29		No. 4 and up	.41	1.39– 1.59	.39	1–21– 1.37	.37	1.15– 1.29	2.08	7.05– 8.07	1.98	6.14– 6.96	1.88	5.83– 6.55
30		Ungraded	.41	1.39– 1.59	.39	1.21– 1.37	.37	1.15– 1.29	2.08	7.05– 8.07	1.98	6.14– 6.96	1.88	5.83– 6.55

PART 2—SWEET PEAS

1	1	No. 1	$0.43	$1.79–$1.99	$0.41	$1.68–$1.84	$0.38	$1.50–$1.73	$2.18	$9.09–$10.11	$2.08	$8.53–$9.35	$1.93	$8.08–$8.79
2		No. 2	.43	1.76– 1.96	.41	1.65– 1.81	.38	1.57– 1.71	2.18	8.94– 9.96	2.08	8.38– 9.19	1.93	7.98– 8.69
3		No. 3	.43	1.58– 1.78	.41	1.48– 1.64	.38	1.41– 1.55	2.18	8.03– 9.04	2.08	7.52– 8.33	1.93	7.16– 7.87
4		No. 4	.43	1.50– 1.70	.41	1.41– 1.57	.38	1.34– 1.48	2.18	7.62– 8.64	2.08	7.16– 7.98	1.93	6.81– 7.52
5		No. 5 and up	.43	1.44– 1.64	.41	1.35– 1.51	.38	1.28– 1.42	2.18	7.32– 8.33	2.08	6.86– 7.67	1.93	6.50– 7.21
6		Ungraded	.43	1.53– 1.73	.41	1.34– 1.50	.38	1.27– 1.41	2.18	7.77– 8.79	2.08	6.81– 7.62	1.93	6.45– 7.16
7	2	No. 1	.36	1.71– 1.91	.34	1.60– 1.76	.32	1.39– 1.53	1.83	8.69– 9.70	1.73	8.13– 8.94	1.62	7.06– 7.77
8		No. 2	.36	1.68– 1.88	.34	1.57– 1.73	.32	1.36– 1.50	1.83	8.53– 9.55	1.73	7.98– 8.79	1.62	6.91– 7.62
9		No. 3	.36	1.52– 1.72	.34	1.42– 1.58	.32	1.23– 1.37	1.83	7.72– 8.74	1.73	7.21– 8.03	1.62	6.25– 6.96
10		No. 4	.36	1.44– 1.64	.34	1.35– 1.51	.32	1.17– 1.31	1.83	7.32– 8.33	1.73	6.86– 7.67	1.62	5.94– 6.65
11		No. 5 and up	.36	1.38– 1.58	.34	1.29– 1.45	.32	1.12– 1.26	1.83	7.01– 8.03	1.73	6.55– 7.37	1.62	5.69– 6.40
12		Ungraded	.36	1.47– 1.67	.34	1.38– 1.54	.32	1.20– 1.34	1.83	7.47– 8.48	1.73	7.01– 7.82	1.62	6.10– 6.81
13	3	No. 1	.36	1.71– 1.91	.34	1.60– 1.76	.32	1.39– 1.53	1.83	8.69– 9.70	1.73	8.13– 8.94	1.62	7.06– 7.77
14		No. 2	.36	1.68– 1.88	.34	1.57– 1.73	.32	1.36– 1.50	1.83	8.53– 9.55	1.73	7.98– 8.79	1.62	6.91– 7.62
15		No. 3	.36	1.52– 1.72	.34	1.42– 1.58	.32	1.23– 1.37	1.83	7.72– 8.74	1.73	7.21– 8.03	1.62	6.25– 6.96
16		No. 4	.36	1.44– 1.64	.34	1.35– 1.51	.32	1.17– 1.31	1.83	7.32– 8.33	1.73	6.86– 7.67	1.62	5.94– 6.65
17		No. 5 and up	.36	1.38– 1.58	.34	1.29– 1.45	.32	1.12– 1.26	1.83	7.01– 8.03	1.73	6.55– 7.37	1.62	5.69– 6.40
18		Ungraded	.36	1.47– 1.67	.34	1.38– 1.54	.32	1.20– 1.34	1.83	7.47– 8.48	1.73	7.01– 7.82	1.62	6.10– 6.81
19	4	No. 1	.35	1.67– 1.79	.31	1.54– 1.66	.29	1.32– 1.44	1.78	8.48– 9.09	1.57	7.82– 8.43	1.47	6.71– 7.32
20		No. 2	.35	1.64– 1.76	.31	1.52– 1.64	.29	1.29– 1.41	1.78	8.33– 8.94	1.57	7.72– 8.33	1.47	6.55– 7.16
21		No. 3	.35	1.46– 1.58	.31	1.36– 1.48	.29	1.17– 1.29	1.78	7.42– 8.03	1.57	6.91– 7.52	1.47	5.94– 6.55
22		No. 4	.35	1.41– 1.53	.31	1.30– 1.42	.29	1.11– 1.23	1.78	7.16– 7.77	1.57	6.60– 7.21	1.47	5.64– 6.25
23		No. 5 and up	.35	1.37– 1.49	.31	1.24– 1.36	.29	1.06– 1.18	1.78	6.96– 7.57	1.57	6.30– 6.91	1.47	5.38– 5.99
24		Ungraded	.35	1.47– 1.59	.31	1.36– 1.48	.29	1.16– 1.28	1.78	7.47– 8.08	1.57	6.91– 7.52	1.47	5.89– 6.50

TABLE 3—PERMITTED INCREASES AND PRICE RANGES PER DOZEN CONTAINERS FOR PROCESSORS OF PACKED PEAS WHO MADE SALES DURING THE BASE PERIOD—Continued

PART 2—SWEET PEAS—Continued

Item No.	Area	Sieve Sizes	No. 2 cans						No. 10 cans					
			Fancy		Extra Standard		Standard		Fancy		Extra Standard		Standard	
			Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges
25	5	No. 1	$0.36	$1.66–$1.86	$0.33	$1.54–$1.70	$0.31	$1.38–$1.52	$1.83	$8.43–$9.45	$1.68	$7.82–$8.64	$1.57	$7.01–$7.72
26		No. 2	.36	1.63– 1.83	.33	1.51– 1.67	.31	1.36– 1.50	1.83	8.28– 9.30	1.68	7.67– 8.48	1.57	6.91– 7.62
27		No. 3	.36	1.46– 1.66	.33	1.36– 1.52	.31	1.22– 1.36	1.83	7.42– 8.43	1.68	6.91– 7.72	1.57	6.20– 6.91
28		No. 4	.36	1.39– 1.59	.33	1.29– 1.45	.31	1.16– 1.30	1.83	7.06– 8.08	1.68	6.55– 7.37	1.57	5.89– 6.60
29		No. 5 and up	.36	1.33– 1.53	.33	1.24– 1.40	.31	1.11– 1.25	1.83	6.76– 7.77	1.68	6.30– 7.11	1.57	5.64– 6.35
30		Ungraded	.36	1.42– 1.62	.33	1.33– 1.49	.31	1.19– 1.33	1.83	7.21– 8.23	1.68	6.76– 7.57	1.57	6.04– 6.76
31	6	No. 1	.41	1.71– 1.91	.38	1.59– 1.75	.36	1.43– 1.57	2.08	8.68– 9.70	1.93	8.07– 8.89	1.83	7.26– 7.98
32		No. 2	.41	1.68– 1.88	.38	1.56– 1.72	.36	1.41– 1.55	2.08	8.53– 9.55	1.93	7.92– 8.74	1.83	7.16– 7.88
33		No. 3	.41	1.51– 1.71	.38	1.41– 1.57	.36	1.27– 1.41	2.08	7.67– 8.69	1.93	7.16– 7.98	1.83	6.45– 7.17
34		No. 4	.41	1.44– 1.64	.38	1.34– 1.50	.36	1.21– 1.35	2.08	7.31– 8.33	1.93	6.80– 7.62	1.83	6–15– 6.87
35		No. 5 and up	.41	1.38– 1.58	.38	1.29– 1.45	.36	1.16– 1.30	2.08	7.01– 8.03	1.93	6.55– 7.37	1.83	5.89– 6.61
36		Ungraded	.41	1.47– 1.67	.38	1–38– 1.54	.36	1.24– 1.38	2.08	7.46– 8.48	1.93	7.00– 7.82	1.83	6.30– 7.02

PART 3—LARGE SEEDED SWEETS (SUCH AS PRINCE OF WALES, LAXTONS AND PROFUSIONS)

1	1	Ungraded	$0.50	$1.73–$1.93	$0.46	$1.48–$1.64	$0.42	$1.35–$1.49	$2.54	$8.79–$9.80	$2.34	$7.52–$8.33	$2.13	$6.86–$7.57
2	2	Ungraded	.50	1.66– 1.98	.46	1.48– 1.64	.42	1.30– 1.44	2.54	8.43–10.06	2.34	7.52– 8.33	2.13	6.60– 7.32
3	3	Ungraded	.50	1.66– 1.98	.46	1.48– 1.64	.42	1.30– 1.44	2.54	8.43–10.06	2.34	7.52– 8.33	2.13	6.60– 7.32
4	4	Ungraded	.50	1.53– 1.85	.46	1.47– 1.63	.42	1.24– 1.38	2.54	7.77– 9.40	2.34	7.47– 8.28	2.13	6.30– 7.01
5	5	Ungraded	.50	1.53– 1.85	.46	1.47– 1.63	.42	1.24– 1.38	2.54	7.77– 9.40	2.34	7.47– 8.28	2.13	6.30 7.01
6	6	Ungraded	.55	1.58– 1.90	.51	1.52– 1.68	.47	1.29– 1.43	2.79	8.03– 9.65	2.59	7.72– 8.53	2.39	6.55– 7.26

PART 4—BLENDS OF SIEVE SIZES

1. Blends of more than two sieve sizes.

1	1	Alaska	$0.40	$1.49–$1.75	$0.38	$1.37–$1.51	$0.36	$1.33–$1.43	$2.03	$7.57–$8.89	$1.93	$6.93–$7.67	$1.83	$6.86–$7.26
2	2		.45	1.67– 1.77	.43	1.42– 1.56	.41	1.29– 1.41	2.29	8.48– 8.99	2.18	7.21– 7.92	2.08	6.55– 7.16
3	3		.36	1.50– 1.70	.33	1.31– 1.45	.31	1.16– 1.30	1.83	7.62– 8.64	1.68	6.65– 7.37	1.57	5.89– 6.60
4	4		.39	1.49– 1.61	.35	1.30– 1.40	.33	1.17– 1.25	1.98	7.57– 8.18	1.78	6.60– 7.11	1.68	5.94– 6.35
5	5		.36	1.48– 1.68	.34	1.29– 1.45	.32	1.21– 1.35	1.83	7.52– 8.53	1.73	6.55– 7.37	1.63	6.15– 6.86
5a	6		.41	1.53– 1.73	.39	1.34– 1.50	.37	1.26– 1.40	2.08	7.77– 8.79	1.98	6.80– 7.62	1.88	6.41– 7.11
6	1	Sweet	.43	1.57– 1.77	.41	1.48– 1.62	.38	1.40– 1.54	2.18	7.98– 8.98	2.08	7.52– 8.23	1.93	7.11– 7.82
7	2		.36	1.50– 1.70	.34	1.41– 1.57	.32	1.22– 1.36	1.83	7.62– 8.64	1.73	7.16– 7.98	1.62	6.20– 6.91
8	3		.36	1.50– 1.70	.34	1.41– 1.57	.32	1.22– 1.36	1.83	7.62– 8.64	1.73	7.16– 7.98	1.62	6.20– 6.91
9	4		.35	1.47– 1.59	.31	1.36– 1.48	.29	1.16– 1.28	1.78	7.47– 8.08	1.57	6.91– 7.52	1.47	5.89– 6.50
10	5		.36	1.45– 1.65	.33	1.35– 1.51	.31	1.21– 1.35	1.83	7.37– 8.38	1.68	6.86– 7.67	1.57	6.15– 6.86
10a	6		.41	1.50– 1.70	.38	1.40– 1.56	.36	1.26– 1.40	2.08	7.62– 8.64	1.93	7.10– 7.92	1.83	6.41– 7.11

[Table 3 amended by Am. 13, 9 F. R. 12267, effective 10–7–44]

However, the maximum price for a blend of three or four sieve sizes of sweet peas containing number six sieve size peas, for any grade, shall be: In No. 2 cans, eleven cents per dozen, and in No. 10 cans, fifty-six cents per dozen, lower than the maximum price for blends of more than two sieve sizes of sweet peas not containing number six sieve size peas of the same grade packed in the same container type and size.

"Blend of three or four sieve sizes" of a variety and grade of peas means a combination of three or four sieve sizes, which contains not more than 5 per cent by volume of peas which are larger than the largest sieve size declared in the blend, and not more than 1 per cent by volume of peas which are two or more sieve sizes larger than the largest sieve size declared in blend.

If the combination contains more than the specified percentage by volume of sieve sizes larger than the largest sieve size declared in the blend, the maximum price shall be the same as the maximum price for the same variety and grade, ungraded as to sieve size, packed in the same container type and size.

2. The maximum price for a blend of two sieve sizes of a variety and grade of peas shall be the same as the maximum price for the larger sieve size in the blend of the same variety and grade, packed in the same container type and size.

"Blend of two sieve sizes" of a variety and grade of peas means a combination of two sieve sizes, which contains not more than 10 per cent by volume of peas which are larger than the larger sieve size declared in the blend, and not more than 2 per cent by volume of peas which are two or more sieve sizes larger than the larger sieve size declared in the blend.

If the combination contains more than the specified percentage by volume of sieve sizes larger than the larger sieve size declared in the blend, the maximum price shall be the same as the maximum price for the same variety and grade, ungraded as to sieve size, packed in the same container type and size.

[Above text amended by Am. 13]

TABLE 4—SPECIFIC DOLLARS-AND-CENTS MAXIMUM PRICES PER DOZEN CONTAINERS FOR PROCESSORS WHO WERE NOT IN BUSINESS DURING 1941 OR WHO MADE NO SALES OF PACKED PEAS DURING THE BASE PERIOD

PART 1—ALASKA PEAS

Item No.	Area	Sieve Size	No. 2 cans			No. 10 cans		
			Fancy	Extra Standard	Standard	Fancy	Extra Standard	Standard
1	1	No. 1	$1.92	$1.70	$1.64	$9.75	$8.64	$8.33
2		No. 2	1.75	1.58	1.52	8.89	8.03	7.72
3		No. 3	1.61	1.42	1.37	8.18	7.21	6.96
4		No. 4 and up	1.51	1.32	1.27	7.67	6.70	6.45
5		Ungraded	1.51	1.32	1.27	7.67	6.70	6.45
6	2	No. 1	2.05	1.77	1.60	10.41	8.99	8.13
7		No. 2	1.88	1.62	1.47	9.55	8.23	7.47
8		No. 3	1.71	1.48	1.34	8.69	7.52	6.81
9		No. 4 and up	1.59	1.37	1.24	8.08	6.96	6.30
10		Ungraded	1.59	1.37	1.24	8.08	6.96	6.30
11	3	No. 1	1.90	1.64	1.47	9.65	8.33	7.47
12		No. 2	1.76	1.52	1.36	8.94	7.72	6.91
13		No. 3	1.58	1.36	1.22	8.03	6.91	6.20
14		No. 4 and up	1.45	1.25	1.13	7.37	6.35	5.74
15		Ungraded	1.45	1.25	1.13	7.37	6.35	5.74
16	4	No. 1	1.86	1.61	1.44	9.45	8.18	7.32
17		No. 2	1.72	1.50	1.33	8.74	7.62	6.76
18		No. 3	1.52	1.33	1.20	7.72	6.76	6.10
19		No. 4 and up	1.42	1.23	1.11	7.21	6.25	5.64
20		Ungraded	1.42	1.23	1.11	7.21	6.25	5.64
21	5	No. 1	1.89	1.63	1.51	9.60	8.28	7.67
22		No. 2	1.75	1.51	1.41	8.89	7.67	7.16
23		No. 3	1.56	1.35	1.26	7.92	6.86	6.40
24		No. 4 and up	1.44	1.24	1.17	7.32	6.30	5.94
25		Ungraded	1.44	1.24	1.17	7.32	6.30	5.94
26	6	No. 1	1.94	1.68	1.56	9.85	8.53	7.92
27		No. 2	1.80	1.56	1.46	9.14	7.92	7.41
28		No. 3	1.61	1.40	1.31	8.17	7.11	6.66
29		No. 4 and up	1.49	1.29	1.22	7.56	6.55	6.19
30		Ungraded	1.49	1.29	1.22	7.56	6.55	6.19

TABLE 4—SPECIFIC DOLLARS-AND-CENTS MAXIMUM PRICES PER DOZEN CONTAINERS FOR PROCESSORS WHO WERE NOT IN BUSINESS DURING 1941 OR WHO MADE NO SALES OF PACKED PEAS DURING THE BASE PERIOD—Continued

PART 2—SWEET PEAS

Item No.	Area	Sieve sizes	No. 2 cans			No. 10 cans		
			Fancy	Extra Standard	Standard	Fancy	Extra Standard	Standard
1	1	No. 1	$1.89	$1.76	$1.66	$9.60	$8.94	$8.43
2	1	No. 2	1.86	1.73	1.64	9.45	8.79	8.33
3	1	No. 3	1.68	1.56	1.48	8.53	7.92	7.52
4	1	No. 4	1.60	1.49	1.41	8.13	7.57	7.16
5	1	No. 5 and up	1.54	1.43	1.35	7.82	7.26	6.86
6	1	Ungraded	1.63	1.42	1.34	8.28	7.21	6.81
7	2	No. 1	1.81	1.68	1.46	9.19	8.53	7.42
8	2	No. 2	1.78	1.65	1.43	9.04	8.38	7.26
9	2	No. 3	1.62	1.50	1.30	8.23	7.62	6.60
10	2	No. 4	1.54	1.43	1.24	7.82	7.26	6.30
11	2	No. 5 and up	1.48	1.37	1.19	7.52	6.96	6.04
12	2	Ungraded	1.57	1.46	1.27	7.98	7.42	6.45
13	3	No. 1	1.81	1.68	1.46	9.19	8.53	7.42
14	3	No. 2	1.78	1.65	1.43	9.04	8.38	7.26
15	3	No. 3	1.62	1.50	1.30	8.23	7.62	6.60
16	3	No. 4	1.54	1.43	1.24	7.82	7.26	6.30
17	3	No. 5 and up	1.48	1.37	1.19	7.52	6.96	6.04
18	3	Ungraded	1.57	1.46	1.27	7.98	7.42	6.45
19	4	No. 1	1.73	1.60	1.38	8.79	8.13	7.01
20	4	No. 2	1.70	1.58	1.35	8.64	8.03	6.86
21	4	No. 3	1.52	1.42	1.23	7.72	7.21	6.25
22	4	No. 4	1.47	1.36	1.17	7.47	6.91	5.94
23	4	No. 5 and up	1.43	1.30	1.12	7.26	6.60	5.69
24	4	Ungraded	1.53	1.42	1.22	7.77	7.21	6.20
25	5	No. 1	1.76	1.62	1.45	8.94	8.23	7.37
26	5	No. 2	1.73	1.59	1.43	8.79	8.08	7.26
27	5	No. 3	1.56	1.44	1.29	7.92	7.32	6.55
28	5	No. 4	1.49	1.37	1.23	7.57	6.96	6.25
29	5	No. 5 and up	1.43	1.32	1.18	7.26	6.70	5.99
30	5	Ungraded	1.52	1.41	1.26	7.72	7.16	6.40
31	6	No. 1	1.81	1.67	1.50	9.19	8.48	7.62
32	6	No. 2	1.78	1.64	1.48	9.04	8.33	7.52
33	6	No. 3	1.61	1.49	1.34	8.18	7.57	6.81
34	6	No. 4	1.54	1.42	1.28	7.82	7.21	6.51
35	6	No. 5 and up	1.48	1.37	1.23	7.52	6.96	6.25
36	6	Ungraded	1.57	1.46	1.31	7.97	7.41	6.66

PART 3—LARGE SEEDED SWEET PEAS (SUCH AS PRINCE OF WALES, LAYTONS AND PROFUSIONS)

1	1	Ungraded	$1.83	$1.56	$1.42	$9.30	$7.92	$7.21
2	2	Ungraded	1.82	1.56	1.37	9.24	7.92	6.96
3	3	Ungraded	1.82	1.56	1.37	9.24	7.92	6.96
4	4	Ungraded	1.69	1.55	1.31	8.58	7.87	6.65
5	5	Ungraded	1.69	1.55	1.31	8.58	7.87	6.65
6	6	Ungraded	1.74	1.60	1.36	8.84	8.12	6.90

PART 4—BLENDS OF SIEVE SIZES

1. Blends of more than two sieve sizes.

1	1	Alaska	$1.62	$1.44	$1.38	$8.23	$7.30	$7.06
2	2	Alaska	1.72	1.49	1.35	8.74	7.57	6.85
3	3	Alaska	1.60	1.38	1.23	8.13	7.01	6.24
4	4	Alaska	1.55	1.35	1.21	7.87	6.86	6.14
5	5	Alaska	1.58	1.37	1.28	8.02	6.96	6.50
6	6	Alaska	1.63	1.42	1.33	8.28	7.21	6.76
7	1	Sweet	1.67	1.55	1.47	8.48	7.88	7.46
8	2	Sweet	1.60	1.49	1.29	8.13	7.57	6.55
9	3	Sweet	1.60	1.49	1.29	8.13	7.57	6.55
10	4	Sweet	1.53	1.42	1.22	7.77	7.21	6.19
11	5	Sweet	1.55	1.43	1.28	7.87	7.26	6.50
12	6	Sweet	1.60	1.48	1.33	8.13	7.51	6.76

However, the maximum price for a blend of three or four sieve sizes of sweet peas containing number six sieve size peas, for any grade, shall be: In No. 2 cans, eleven cents per dozen, and in No. 10 cans, fifty-six cents per dozen, lower than the maximum price for blends of more than two sieve sizes of sweet peas not containing number six sieve size peas of the same grade packed in the same container type and size.

"Blend of three or four sieve sizes" of a variety and grade of peas means a combination of three or four sieve sizes, which contains not more than 5 per cent by volume of peas which are larger than the largest sieve size declared in the blend, and not more than 1 per cent by volume of peas which are two or more sieve sizes larger than the largest sieve size declared in blend.

If the combination contains more than the specified percentage by volume of sieve sizes larger than the largest sieve size declared in the blend, the maximum price shall be the same as the maximum price for the same variety and grade, ungraded as to sieve size, packed in the same container type and size.

2. The maximum price for a blend of two sieve sizes of a variety and grade of peas shall be the same as the maximum price for the larger sieve size in the blend of the same variety and grade, packed in the same container type and size.

"Blend of two sieve sizes" of a variety and grade of peas means a combination of two sieve sizes, which contains not more than 10 per cent by volume of peas which are larger than the larger sieve size declared in the blend, and not more than 2 per cent by volume of peas which are two or more sieve sizes larger than the larger sieve size declared in the blend.

If the combination contains more than the specified percentage by volume of sieve sizes larger than the larger sieve size declared in the blend, the maximum price shall be the same as the maximum price for the same variety and grade, ungraded as to sieve size, packed in the same container type and size.

[Table 4 amended by Am. 13, 9 F.R. 12267, effective 10-7-44]

TABLE 5—CONVERSION FACTORS—METAL CONTAINERS

ALL PEAS

To convert from a can size in this column	To a can size listed at the head of a column below, multiply by the appropriate conversion factor					
	8-oz.	1 picnic	1 tall	303	2	10
8-oz.	------	------	------	------	1.79	------
1 picnic	------	------	------	------	1.52	------
1 tall	------	------	------	------	1.43	------
303	------	------	------	------	1.12	------
2	0.56	0.66	0.70	0.89	------	5.08
10	.11	.13	.14	.18	.20	------

The maximum price for a variety, sieve size (including blends) and grade of peas packed in 12 ounce vacuum cans, shall be 10 cents per dozen less than the maximum price for the same variety sieve size and grade packed in No. 2 cans.

TABLE 6—CONVERSIONS FROM TIN TO GLASS

ALL PEAS

[Dollars per dozen containers]

If you can figure a price for a can size in this column	To get a price for the glass container size at the head of a column below, add the indicated amount
	No. 303
No. 303	$0.15

TABLE 7—SIEVE SIZE CONVERSION FACTORS

PART 1—ALASKA PEAS

To convert from a sieve size in this column	To a sieve size listed at the head of a column below, multiply by the appropriate conversion factor				
	1 sieve	2 sieve	3 sieve	4 sieve and up	Ungraded
1 sieve	------	0.93	0.83	0.78	0.78
2 sieve	1.08	------	.90	.84	.84
3 sieve	1.20	1.11	------	.93	.93
4 sieve and up	1.29	1.19	1.08	--------	--------
Ungraded	1.29	1.19	1.08	--------	--------

PART 2—SWEET PEAS

To convert from a sieve size in this column	To a sieve size listed at the head of a column below, multiply by the appropriate conversion factor					
	1 sieve	2 sieve	3 sieve	4 sieve	5 sieve and up	Ungraded
1 sieve	------	0.98	0.89	0.85	0.81	0.87
2 sieve	1.02	------	.91	.86	.83	.88
3 sieve	1.12	1.10	------	.95	.92	.97
4 sieve	1.18	1.16	1.05	------	.96	1.02
5 sieve and up	1.23	1.21	1.09	1.04	------	1.06
Ungraded	1.15	1.13	1.03	.98	.94	------

TABLE 8—GRADE DIFFERENTIALS

PART 1—ALASKA PEAS

IMPORTANT: See note at the end of Part 4 for instructions as to how to figure grade differentials.

[Differences between successive grades (per dozen containers)]

Item No.	Area	Sieve Size	No. 2 cans: Fancy and Ex. Std.	No. 2 cans: Ex. Std. and Standard	No. 2 cans: Standard and Sub.-Std.	No. 10 cans: Fancy and Ex. Std.	No. 10 cans: Ex. Std. and Standard	No. 10 cans: Standard and Sub.-Std.
1	1	No. 1	$0.22	$0.06	$0.10	$1.12	$0.30	$0.51
2		No. 2	.17	.06	.10	.86	.30	.51
3		No. 3	.19	.05	.10	.96	.25	.51
4		No. 4 and up	.19	.05	.10	.96	.25	.51
5		Ungraded	.19	.05	.10	.96	.25	.51
6	2	No. 1	.28	.17	.10	1.42	.86	.51
7		No. 2	.26	.15	.10	1.32	.76	.51
8		No. 3	.23	.14	.10	1.17	.71	.51
9		No. 4 and up	.22	.13	.10	1.12	.66	.51
10		Ungraded	.22	.13	.10	1.12	.66	.51
11	3	No. 1	.26	.17	.10	1.32	.86	.51
12		No. 2	.24	.16	.10	1.22	.81	.51
13		No. 3	.22	.14	.10	1.12	.71	.51
14		No. 4 and up	.20	.12	.10	1.02	.61	.51
15		Ungraded	.20	.12	.10	1.02	.61	.51
16	4	No. 1	.25	.17	.10	1.27	.86	.51
17		No. 2	.22	.17	.10	1.12	.86	.51
18		No. 3	.19	.13	.10	.96	.66	.51
19		No. 4 and up	.19	.12	.10	.96	.61	.51
20		Ungraded	.19	.12	.10	.96	.61	.51
21	5	No. 1	.26	.12	.10	1.32	.61	.51
22		No. 2	.24	.10	.10	1.22	.51	.51
23		No. 3	.21	.09	.10	1.07	.46	.51
24		No. 4 and up	.20	.07	.10	1.02	.36	.51
25		Ungraded	.20	.07	.10	1.02	.36	.51
26	6	No. 1	.26	.12	.10	1.32	.61	.51
27		No. 2	.24	.10	.10	1.22	.51	.51
28		No. 3	.21	.09	.10	1.06	.45	.51
29		No. 4 and up	.20	.07	.10	1.01	.36	.51
30		Ungraded	.20	.07	.10	1.01	.36	.51

PART 2—SWEET PEAS

Item No.	Area	Sieve Size	No. 2 cans: Fancy and Ex. Std.	No. 2 cans: Ex. Std. and Standard	No. 2 cans: Standard and Sub.-Std.	No. 10 cans: Fancy and Ex. Std.	No. 10 cans: Ex. Std. and Standard	No. 10 cans: Standard and Sub.-Std.
1	1	No. 1	$0.13	$0.10	$0.10	$0.66	$0.51	$0.51
2		No. 2	.13	.09	.10	.66	.46	.51
3		No. 3	.12	.08	.10	.61	.41	.51
4		No. 4	.11	.08	.10	.56	.41	.51
5		No. 5 and up	.11	.08	.10	.56	.41	.51
6		Ungraded	.11	.08	.10	.56	.41	.51
7	2	No. 1	.13	.22	.10	.66	1.12	.51
8		No. 2	.13	.22	.10	.66	1.12	.51
9		No. 3	.12	.20	.10	.61	1.02	.51
10		No. 4	.11	.19	.10	.56	.96	.51
11		No. 5 and up	.11	.18	.10	.56	.91	.51
12		Ungraded	.11	.19	.10	.56	.96	.51
13	3	No. 1	.13	.22	.10	.66	1.12	.51
14		No. 2	.13	.22	.10	.66	1.12	.51
15		No. 3	.12	.20	.10	.61	1.02	.51
16		No. 4	.11	.19	.10	.56	.96	.51
17		No. 5 and up	.11	.18	.10	.56	.91	.51
18		Ungraded	.11	.19	.10	.56	.96	.51
19	4	No. 1	.13	.22	.10	.66	1.12	.51
20		No. 2	.12	.23	.10	.61	1.17	.51
21		No. 3	.10	.19	.10	.51	.96	.51
22		No. 4	.11	.19	.10	.56	.96	.51
23		No. 5 and up	.13	.18	.10	.66	.91	.51
24		Ungraded	.11	.20	.10	.56	1.02	.51
25	5	No. 1	.14	.17	.10	.71	.86	.51
26		No. 2	.14	.16	.10	.71	.81	.51
27		No. 3	.12	.15	.10	.61	.76	.51
28		No. 4	.12	.14	.10	.61	.71	.51
29		No. 5 and up	.11	.14	.10	.56	.71	.51
30		Ungraded	.11	.15	.10	.56	.76	.51
31	6	No. 1	.14	.17	.10	.71	.86	.51
32		No. 2	.14	.16	.10	.71	.81	.51
33		No. 3	.12	.15	.10	.61	.76	.51
34		No. 4	.12	.14	.10	.61	.70	.51
35		No. 5 and up	.11	.14	.10	.56	.71	.51
36		Ungraded	.11	.15	.10	.56	.75	.51

TABLE 8—GRADE DIFFERENTIALS—Continued

PART 3—LARGE SEEDED SWEETS

(Such as Prince of Wales, Laxtons and Profusions)

Item No.	Area	Sieve Size	No. 2 cans: Fancy and Ex. Std.	No. 2 cans: Ex. Std. and Standard	No. 2 cans: Standard and Sub.-Std.	No. 10 cans: Fancy and Ex. Std.	No. 10 cans: Ex. Std. and Standard	No. 10 cans: Standard and Sub.-Std.
1	1	Ungraded	$0.27	$0.14	$0.10	$1.37	$0.71	$0.51
2	2	Ungraded	.26	.19	.10	1.32	.96	.51
3	3	Ungraded	.26	.19	.10	1.32	.96	.51
4	4	Ungraded	.14	.24	.10	.71	1.22	.51
5	5	Ungraded	.14	.24	.10	.71	1.22	.51
6	6	Ungraded	.14	.24	.10	.72	1.22	.51

PART 4—BLENDS OF SIEVE SIZES

1. Blends of more than two sieve sizes.

[Differences between successive grades (per dozen containers)]

Item No.	Area	Variety	No. 2 cans: Fancy and Ex. Std.	No. 2 cans: Ex. Std. and Standard	No. 2 cans: Standard and Sub.-Std.	No. 10 cans: Fancy and Ex. Std.	No. 10 cans: Ex. Std. and Standard	No. 10 cans: Standard and Sub.-Std.
1	1	Alaska	$0.18	$0.06	$0.10	$0.93	$0.24	$0.51
2	2		.23	.14	.10	1.17	.72	.51
3	3		.22	.15	.10	1.12	.77	.51
4	4		.20	.14	.10	1.01	.72	.51
5	5		.21	.09	.10	1.06	.46	.51
6	6		.21	.09	.10	1.07	.45	.51
7	1	Sweet	.12	.08	.10	.60	.42	.51
8	2		.11	.20	.10	.56	1.02	.51
9	3		.11	.20	.10	.56	1.02	.51
10	4		.11	.20	.10	.56	1.02	.51
11	5		.12	.15	.10	.61	.76	.51
12	6		.12	.15	.10	.62	.45	.51

2. The grade differential for a blend of two sieve sizes of a variety of peas shall be the same as the grade differential for the largest sieve size in the blend.

NOTE: In figuring prices based on grade differentials, if the processor has base prices for both a higher and a lower grade than the item being priced, he shall use the differential between the item being priced and the lower grade, except that substandard shall not be used as the lower grade. (For example, if the processor has base prices for both Fancy and Standard grades and now wishes to price Extra Standard he takes the difference between Extra Standard and Standard.)

[Table 8 amended by Am. 13, 9 F.R. 12267, effective 10–7–44]

TABLE 9—DIRECT SUBSIDY PAYABLE PER DOZEN CONTAINERS, ALL AREAS, VARIETIES, SIEVE SIZES, AND GRADES

Amount of subsidy to be subtracted from gross maximum price per dozen containers in making sales to purchasers other than government procurement agencies	
No. 2 Cans	No. 10 Cans
$0.20	$1.02

To figure amount of subsidy for other container sizes, multiply the amount named above for No. 2 Cans by the appropriate conversion factor in Table 5.

Special pricing provision applicable to Blair Process peas. The maximum price for Blair Process peas of a variety, grade and sieve size (including blends and ungraded) packed in No. 303 cans shall be thirteen cents per dozen more than the maximum price for No. 2 cans of the same variety, grade and sieve size (including blends and ungraded) of peas which have not been subjected to the Blair Process.

"Blair Process peas" means packed peas which are subjected to the processing operation known as the "Blair Process", under license from the owner of the U. S. patent thereon, in which substantially the natural color of the pea is retained.

[Above two paragraphs added by Am. 13, 9 F.R. 12267, effective 10–7–44]

[Appendix C added by Am. 2, 9 F.R. 10194, effective 8–19–44]

Appendix D—Snap Beans

Explanation of how maximum prices for packed snap beans are figured. For packed snap beans, conversions for grade, for styles of pack, for sieve size, and for container type and size under subparagraph (2), (3), or (4) of section 5 (a) of this supplement are to be made in the same order and in the same manner as those for packed peas. The explanation at the beginning of Appendix C applies to this appendix for that purpose, except that for packed snap beans conversions are made for style of pack (whole or cut) and sieve size instead of for variety and sieve size (step 3). This conversion from one style of pack and sieve size to another (for example, from cut snap beans to whole snap beans) must be made in the same manner a conversion from one variety and sieve size of packed peas to another is made under Appendix C.

The term "ungraded," as used in connection with sieve size, means not separated by sieve size. Also, the term includes all blends of more than three sieve sizes.

Special Pricing provisions applicable to packed pole beans in areas other than Area 11, packed bush beans in Area 11, asparagus style of pack, French style of pack, and blends of sieve sizes, appear at the end of the tables.

Table 1—Areas

1. Maine, New Hampshire, Vermont, Massachusetts, Rhode Island and Connecticut.
2. New York.
3. Pennsylvania, Delaware, West Virginia and Virginia.
4. New Jersey and Maryland.
5. Kentucky, Tennessee, North Carolina, Louisiana, Mississippi, Alabama, Georgia and South Carolina.
6. Florida.
7. Missouri, Arkansas, Oklahoma and Kansas.
8. Texas (except those counties included in Area 10).
9. North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Wisconsin, Illinois, Michigan, Indiana and Ohio.
10. Montana, Idaho (except those counties included in Area 11), Wyoming, Nevada, Utah, Colorado, Arizona, New Mexico and following counties in Texas (Sherman, Moore, Potter, Randall, Swisher, Hall, Lubbock, Lynn, Dawson, Martin, Midland, Upton, Crockett, Terrell, and all other west thereof).
11. Washington, Oregon, California and following counties in Idaho (Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Clearwater, Nez Perce, Lewis and Idaho).

[Table 1 amended by Am. 20, 10 F.R. 841, effective 1-25-45]

Table 2—Base Period Prices

Areas 1, 2, 9, 10 and 11: Weighted average selling price for the first 60 days after the beginning of 1941 spring pack.

Areas 3, 4, 5, 6, 7 and 8: Weighed average selling price for the first 60 days after the beginning of 1941 spring and fall packs.

Table 3—Permitted Increases and Price Ranges per Dozen Containers for Processors of Packed Snap Beans Who Made Sales During the Base Period

(Part 1) Whole Snap Beans (Bush Beans in Areas 1 through 10, Pole Beans in Area 11)

Item No.	Area	Sieve size	No. 2 cans						No. 10 cans					
			Fancy		Ex-Standard		Standard		Fancy		Ex-Standard		Standard	
			Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges
1	1	1	$0.32	$1.77-$2.03	$0.30	$1.63-$1.87	$0.28	$1.54-$1.76	$1.57	$8.67-$9.95	$1.47	$7.99-$9.16	$1.37	$7.55-$8.62
2		2	.32	1.64- 1.88	.30	1.50- 1.72	.28	1.41- 1.61	1.57	8.04- 9.21	1.47	7.35- 8.43	1.37	6.91- 7.89
3		3	.32	1.45- 1.67	.30	1.31- 1.51	.28	1.22- 1.40	1.57	7.10- 8.18	1.47	6.42- 7.40	1.37	5.98- 6.86
4		4	.32	1.32- 1.52	.30	1.18- 1.36	.28	1.09- 1.25	1.57	6.47- 7.45	1.47	5.78- 6.66	1.37	5.34- 6.12
5		5 and up	.32	1.26- 1.46	.30	1.13- 1.29	.28	1.04- 1.18	1.57	6.17- 7.15	1.47	5.54- 6.32	1.37	5.10- 5.78
6		Ungraded	.32	1.26- 1.46	.30	1.13- 1.29	.28	1.04- 1.18	1.57	6.17- 7.15	1.47	5.54- 6.32	1.37	5.10- 5.78
7	2	1	.35	2.17- 2.57	.32	2.03- 2.41	.30	1.94- 2.30	1.72	10.63-12.59	1.57	9.95-11.81	1.47	9.51-11.27
8		2	.35	2.00- 2.36	.32	1.86- 2.20	.30	1.77- 2.09	1.72	9.80-11.56	1.57	9.11-10.78	1.47	8.67-10.24
9		3	.35	1.75- 2.07	.32	1.61- 1.91	.30	1.52- 1.80	1.72	8.58-10.14	1.57	7.89- 9.36	1.47	7.45- 8.82
10		4	.35	1.58- 1.86	.32	1.44- 1.70	.30	1.35- 1.59	1.72	7.74- 9.11	1.57	7.06- 8.33	1.47	6.62- 7.79
11		5 and up	.35	1.50- 1.78	.32	1.36- 1.62	.30	1.27- 1.51	1.72	7.35- 8.72	1.57	6.66- 7.94	1.47	6.22- 7.40
12		Ungraded	.35	1.50- 1.78	.32	1.36- 1.62	.30	1.27- 1.51	1.72	7.35- 8.72	1.57	6.66- 7.94	1.47	6.22- 7.40
13	3	1	.36	1.86- 2.18	.34	1.72- 2.02	.32	1.65- 1.89	1.76	9.11-10.68	1.67	8.43- 9.90	1.57	8.08- 9.26
14		2	.36	1.71- 2.01	.34	1.57- 1.85	.32	1.51- 1.71	1.76	8.38- 9.85	1.67	7.69- 9.06	1.57	7.40- 8.38
15		3	.36	1.50- 1.76	.34	1.36- 1.60	.32	1.29- 1.47	1.76	7.35- 8.62	1.67	6.66- 7.84	1.57	6.32- 7.20
16		4	.36	1.35- 1.59	.34	1.21- 1.43	.32	1.14- 1.30	1.76	6.62- 7.79	1.67	5.93- 7.01	1.57	5.59- 6.37
17		5 and up	.36	1.29- 1.51	.34	1.15- 1.35	.32	1.08- 1.22	1.76	6.32- 7.40	1.67	5.64- 6.62	1.57	5.29- 5.98
18		Ungraded	.36	1.29- 1.51	.34	1.15- 1.35	.32	1.08- 1.22	1.76	6.32- 7.40	1.67	5.64- 6.62	1.57	5.29- 5.98
19	4	1	.36	1.86- 2.18	.34	1.72- 2.02	.32	1.65- 1.89	1.76	9.11-10.68	1.67	8.43- 9.90	1.57	8.08- 9.26
20		2	.36	1.71- 2.01	.34	1.57- 1.85	.32	1.51- 1.71	1.76	8.38- 9.85	1.67	7.69- 9.06	1.57	7.40- 8.38
21		3	.36	1.50- 1.76	.34	1.36- 1.60	.32	1.29- 1.47	1.76	7.35- 8.62	1.67	6.66- 7.84	1.57	6.32- 7.20
22		4	.36	1.35- 1.59	.34	1.21- 1.43	.32	1.14- 1.30	1.76	6.62- 7.79	1.67	5.93- 7.01	1.57	5.59- 6.37
23		5 and up	.36	1.29- 1.51	.34	1.15- 1.35	.32	1.08- 1.22	1.76	6.32- 7.40	1.67	5.64- 6.62	1.57	5.29- 5.98
24		Ungraded	.36	1.29- 1.51	.34	1.15- 1.35	.32	1.08- 1.22	1.76	6.32- 7.40	1.67	5.64- 6.62	1.57	5.29- 5.98
25	5	1	.32	1.95- 2.25	.31	1.81- 2.09	.30	1.72- 1.98	1.57	9.56-11.02	1.52	8.87-10.24	1.47	8.43- 9.70
26		2	.32	1.79- 2.07	.31	1.66- 1.90	.30	1.56- 1.80	1.57	8.77-10.14	1.52	8.13- 9.31	1.47	7.64- 8.82
27		3	.32	1.57- 1.81	.31	1.43- 1.65	.30	1.34- 1.54	1.57	7.69- 8.87	1.52	7.01- 8.08	1.47	6.57- 7.55
28		4	.32	1.41- 1.63	.31	1.27- 1.47	.30	1.18- 1.36	1.57	6.91- 7.99	1.52	6.22- 7.20	1.47	5.78- 6.66
29		5 and up	.32	1.36- 1.56	.31	1.22- 1.40	.30	1.13- 1.29	1.57	6.66- 7.64	1.52	5.98- 6.86	1.47	5.54- 6.32
30		Ungraded	.32	1.36- 1.56	.31	1.22- 1.40	.30	1.13- 1.29	1.57	6.66- 7.64	1.52	5.98- 6.86	1.47	5.54- 6.32
31	6	1	.32	2.11- 2.37	.31	1.96- 2.22	.30	1.87- 2.11	1.57	10.34-11.61	1.52	9.60-10.88	1.47	9.16-10.34
32		2	.32	1.94- 2.18	.31	1.80- 2.02	.30	1.70- 1.92	1.57	9.51-10.68	1.52	8.82- 9.90	1.47	8.33- 9.41
33		3	.32	1.69- 1.91	.31	1.51- 1.75	.30	1.46- 1.64	1.57	8.28- 9.36	1.52	7.40- 8.58	1.47	7.15- 8.04
34		4	.32	1.52- 1.72	.31	1.38- 1.56	.30	1.29- 1.45	1.57	7.45- 8.43	1.52	6.76- 7.64	1.47	6.32- 7.10
35		5 and up	.32	1.47- 1.65	.31	1.33- 1.49	.30	1.23- 1.39	1.57	7.20- 8.08	1.52	6.52- 7.30	1.47	6.03- 6.81
36		Ungraded	.32	1.47- 1.65	.31	1.33 1.49	.30	1.23- 1.39	1.57	7.20- 8.08	1.52	6.52- 7.30	1.47	6.03- 6.81
37	7	1	.29	1.73- 1.99	.28	1.59- 1.83	.27	1.50- 1.72	1.42	8.48- 9.75	1.37	7.79- 8.97	1.32	7.35- 8.43
38		2	.29	1.60- 1.84	.28	1.46- 1.68	.27	1.37- 1.57	1.42	7.84- 9.02	1.37	7.15- 8.23	1.32	6.71- 7.69
39		3	.29	1.42- 1.64	.28	1.28- 1.48	.27	1.19- 1.37	1.42	6.96- 8.04	1.37	6.27- 7.25	1.32	5.83- 6.71
40		4	.29	1.29- 1.49	.28	1.15- 1.33	.27	1.06- 1.22	1.42	6.32- 7.30	1.37	5.64- 6.52	1.32	5.10- 5.98
41		5 and up	.29	1.24- 1.42	.28	1.11- 1.25	.27	1.01- 1.15	1.42	6.08- 6.96	1.37	5.44- 6.12	1.32	4.95- 5.64
42		Ungraded	.29	1.24- 1.42	.28	1.11- 1.25	.27	1.01- 1.15	1.42	6.08- 6.96	1.37	5.44- 6.12	1.32	4.95- 5.64
43	8	1	.29	1.79- 2.19	.28	1.66- 2.02	.27	1.57- 1.91	1.42	8.77-10.73	1.37	8.13- 9.90	1.32	7.69- 9.36
44		2	.29	1.66- 2.02	.28	1.52- 1.86	.27	1.43- 1.75	1.42	8.13- 9.90	1.37	7.45- 9.11	1.32	7.01- 8.58
45		3	.29	1.48- 1.80	.28	1.34- 1.64	.27	1.25- 1.53	1.42	7.25- 8.82	1.37	6.57- 8.04	1.32	6.12- 7.50
46		4	.29	1.34- 1.64	.28	1.21- 1.47	.27	1.12- 1.36	1.42	6.57- 8.04	1.37	5.93- 7.20	1.32	5.49- 6.66
47		5 and up	.29	1.29- 1.57	.28	1.15- 1.41	.27	1.06- 1.30	1.42	6.32- 7.69	1.37	5.64- 6.91	1.32	5.19- 6.37
48		Ungraded	.29	1.29- 1.57	.28	1.15- 1.41	.27	1.06- 1.30	1.42	6.32- 7.69	1.37	5.64- 6.91	1.32	5.19- 6.37
49	9	1	.28	1.93- 2.33	.27	1.79- 2.17	.26	1.70- 2.06	1.37	9.46-11.42	1.32	8.77-10.63	1.27	8.33-10.09
50		2	.28	1.77- 2.15	.27	1.64- 1.98	.26	1.55- 1.87	1.37	8.67-10.54	1.32	8.04- 9.70	1.27	7.60- 9.16
51		3	.28	1.56- 1.88	.27	1.42- 1.72	.26	1.33- 1.61	1.37	7.64- 9.21	1.32	6.96- 8.43	1.27	6.52- 7.89
52		4	.28	1.40- 1.70	.27	1.27- 1.53	.26	1.18- 1.42	1.37	6.86- 8.33	1.32	6.22- 7.50	1.27	5.78- 6.96
53		5 and up	.28	1.34- 1.62	.27	1.20- 1.46	.26	1.11- 1.35	1.37	6.57- 7.94	1.32	5.88- 7.15	1.27	5.44- 6.62
54		Ungraded	.28	1.34- 1.62	.27	1.20- 1.46	.26	1.11- 1.35	1.37	6.57- 7.94	1.32	5.88- 7.15	1.27	5.44- 6.62
55	10	1	.37	1.80- 1.94	.35	1.65- 1.79	.33	1.56- 1.68	1.81	8.82- 9.51	1.72	8.08- 8.77	1.62	7.64- 8.23
56		2	.37	1.65- 1.79	.35	1.51- 1.63	.33	1.41- 1.53	1.81	8.08- 8.77	1.72	7.40- 7.99	1.62	6.91- 7.50
57		3	.37	1.45- 1.57	.35	1.31- 1.41	.33	1.21- 1.31	1.81	7.10- 7.69	1.72	6.42- 6.91	1.62	5.93- 6.42
58		4	.37	1.31- 1.41	.35	1.16- 1.26	.33	1.07- 1.15	1.81	6.42- 6.91	1.72	5.68- 6.17	1.62	5.24- 5.64
59		5 and up	.37	1.25- 1.35	.35	1.10- 1.20	.33	1.01- 1.09	1.81	6.12- 6.62	1.72	5.39- 5.88	1.62	4.95- 5.34
60		Ungraded	.37	1.25- 1.35	.35	1.10- 1.20	.33	1.01- 1.09	1.81	6.12- 6.62	1.72	5.39- 5.88	1.62	4.95- 5.34
61	11	1	.44	2.01- 2.45	.43	1.87- 2.29	.42	1.88- 2.08	2.16	9.85-12.00	2.11	9.16-11.22	2.06	9.21-10.19
62		2	.44	1.85- 2.25	.43	1.71- 2.09	.42	1.71- 1.89	2.16	9.06-11.02	2.11	8.38-10.24	2.06	8.38- 9.26
63		3	.44	1.62- 1.98	.43	1.48- 1.82	.42	1.47- 1.63	2.16	7.94- 9.70	2.11	7.25- 8.92	2.06	7.20- 7.99
64		4	.44	1.46- 1.78	.43	1.32- 1.62	.42	1.30- 1.44	2.16	7.15- 8.72	2.11	6.47- 7.94	2.06	6.37- 7.06
65		5 and up	.44	1.42- 1.74	.43	1.29- 1.57	.42	1.26- 1.40	2.16	6.96- 8.53	2.11	6.32- 7.69	2.06	6.17- 6.86
66		Ungraded	.44	1.42- 1.74	.43	1.29- 1.57	.42	1.26- 1.40	2.16	6.96- 8.53	2.11	6.32- 7.69	2.06	6.17- 6.86

TABLE 3—PERMITTED INCREASES AND PRICE RANGES PER DOZEN CONTAINERS FOR PROCESSORS OF PACKED SNAP BEANS WHO MADE SALES DURING THE BASE PERIOD—Con.

(PART 2) CUT SNAP BEANS (BUSH BEANS IN AREAS 1 THROUGH 10, POLE BEANS IN AREA 11)

Item No.	Area	Sieve size	No. 2 cans						No. 10 cans					
			Fancy		Ex-Standard		Standard		Fancy		Ex-Standard		Standard	
			Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges
1	1	2	$0.32	$1.39- 1.59	$0.30	$1.34- 1.54	$0.28	$1.31- 1.49	$1.57	$6.81- 7.79	$1.47	$6.57- 7.55	$1.37	$6.42- 7.30
2		3	.32	1.31- 1.51	.30	1.26- 1.46	.28	1.23- 1.41	1.57	6.42- 7.40	1.47	6.17- 7.15	1.37	6.03- 6.91
3		4	.32	1.23- 1.41	.30	1.18- 1.36	.28	1.16- 1.32	1.57	6.03- 6.91	1.47	5.78- 6.66	1.37	5.68- 6.47
4		5 and up	.32	1.15- 1.33	.30	1.13- 1.29	.28	1.11- 1.27	1.57	5.64- 6.52	1.47	5.54- 6.32	1.37	5.44- 6.22
5		Ungraded	.32	1.15- 1.33	.30	1.13- 1.29	.28	1.11- 1.27	1.57	5.64- 6.52	1.47	5.54- 6.32	1.37	5.44- 6.22
6	2	2	.35	1.67- 1.97	.32	1.51- 1.77	.30	1.41- 1.64	1.72	8.18- 9.65	1.57	7.40- 8.67	1.47	6.91- 8.04
7		3	.35	1.58- 1.86	.32	1.42- 1.66	.30	1.31- 1.53	1.72	7.74- 9.11	1.57	6.96- 8.13	1.47	6.42- 7.50
8		4	.35	1.48- 1.74	.32	1.33- 1.57	.30	1.24- 1.46	1.72	7.25- 8.53	1.57	6.52- 7.69	1.47	6.08- 7.15
9		5 and up	.35	1.39- 1.63	.32	1.28- 1.50	.30	1.22- 1.38	1.72	6.81- 7.99	1.57	6.27- 7.35	1.47	5.98- 6.76
10		Ungraded	.35	1.39- 1.63	.32	1.28- 1.50	.30	1.22- 1.38	1.72	6.81- 7.99	1.57	6.27- 7.35	1.47	5.98- 6.76
11	3	2	.36	1.49- 1.75	.34	1.35- 1.59	.32	1.28- 1.46	1.76	7.30- 8.58	1.67	6.62- 7.79	1.57	6.27- 7.15
12		3	.36	1.41- 1.65	.34	1.27- 1.49	.32	1.20- 1.36	1.76	6.91- 8.08	1.67	6.22- 7.30	1.57	5.88- 6.66
13		4	.36	1.32- 1.54	.34	1.20- 1.40	.32	1.14- 1.28	1.76	6.47- 7.55	1.67	5.88- 6.86	1.57	5.59- 6.27
14		5 and up	.36	1.23- 1.45	.34	1.13- 1.33	.32	1.09- 1.23	1.76	6.03- 7.10	1.67	5.54- 6.52	1.57	5.34- 6.03
15		Ungraded	.36	1.23- 1.45	.34	1.13- 1.33	.32	1.09- 1.23	1.76	6.03- 7.10	1.67	5.54- 6.52	1.57	5.34- 6.03
16	4	2	.36	1.49- 1.75	.34	1.35- 1.59	.32	1.28- 1.46	1.76	7.30- 8.58	1.67	6.62- 7.79	1.57	6.27- 7.15
17		3	.36	1.41- 1.65	.34	1.27- 1.49	.32	1.20- 1.36	1.76	6.91- 8.08	1.67	6.22- 7.30	1.57	5.88- 6.66
18		4	.36	1.32- 1.54	.34	1.20- 1.40	.32	1.14- 1.28	1.76	6.47- 7.55	1.67	5.88- 6.86	1.57	5.59- 6.27
19		5 and up	.36	1.23- 1.45	.34	1.13- 1.33	.32	1.09- 1.23	1.76	6.03- 7.10	1.67	5.54- 6.52	1.57	5.34- 6.03
20		Ungraded	.36	1.23- 1.45	.34	1.13- 1.33	.32	1.09- 1.23	1.76	6.03- 7.10	1.67	5.54- 6.52	1.57	5.34- 6.03
21	5	2	.32	1.52- 1.74	.31	1.38- 1.58	.30	1.28- 1.48	1.57	7.45- 8.53	1.52	6.76- 7.74	1.47	6.27- 7.25
22		3	.32	1.45- 1.67	.31	1.31- 1.51	.30	1.22- 1.40	1.57	7.10- 8.18	1.52	6.42- 7.40	1.47	5.98- 6.86
23		4	.32	1.37- 1.57	.31	1.23- 1.41	.30	1.13- 1.31	1.57	6.71- 7.69	1.52	6.03- 6.91	1.47	5.54- 6.42
24		5 and up	.32	1.30- 1.50	.31	1.16- 1.34	.30	1.07- 1.23	1.57	6.37- 7.35	1.52	5.68- 6.57	1.47	5.24- 6.03
25		Ungraded	.32	1.30- 1.50	.31	1.16- 1.34	.30	1.07- 1.23	1.57	6.37- 7.35	1.52	5.68- 6.57	1.47	5.24- 6.03
26	6	2	.32	1.65- 1.85	.31	1.50- 1.70	.30	1.41- 1.59	1.57	8.08- 9.06	1.52	7.35- 8.33	1.47	6.91- 7.79
27		3	.32	1.57- 1.77	.31	1.43- 1.61	.30	1.33- 1.51	1.57	7.69- 8.67	1.52	7.01- 7.89	1.47	6.52- 7.40
28		4	.32	1.48- 1.66	.31	1.33- 1.51	.30	1.24- 1.40	1.57	7.25- 8.13	1.52	6.52- 7.40	1.47	6.08- 6.86
29		5 and up	.32	1.41- 1.59	.31	1.27- 1.43	.30	1.17- 1.33	1.57	6.91- 7.79	1.52	6.22- 7.01	1.47	5.73- 6.52
30		Ungraded	.32	1.41- 1.59	.31	1.27- 1.43	.30	1.17- 1.33	1.57	6.91- 7.79	1.52	6.22- 7.01	1.47	5.73- 6.52
31	7	2	.26	1.40- 1.62	.25	1.24- 1.42	.24	1.13- 1.29	1.27	6.86- 7.94	1.22	6.08- 6.96	1.18	5.54- 6.32
32		3	.26	1.33- 1.53	.25	1.16- 1.34	.24	1.05- 1.21	1.27	6.52- 7.50	1.22	5.68- 6.57	1.18	5.14- 5.93
33		4	.26	1.25- 1.43	.25	1.10- 1.26	.24	1.00- 1.14	1.27	6.12- 7.01	1.22	5.39- 6.17	1.18	4.90- 5.59
34		5 and up	.26	1.17- 1.35	.25	1.04- 1.20	.24	.95- 1.09	1.27	5.73- 6.62	1.22	5.10- 5.88	1.18	4.66- 5.34
35		Ungraded	.26	1.17- 1.35	.25	1.04- 1.20	.24	.95- 1.09	1.27	5.73- 6.62	1.22	5.10- 5.88	1.18	4.66- 5.34
36	8	2	.26	1.46- 1.78	.25	1.30- 1.58	.24	1.19- 1.45	1.27	7.15- 8.72	1.22	6.37- 7.74	1.18	5.83- 7.10
37		3	.26	1.39- 1.69	.25	1.22- 1.50	.24	1.12- 1.36	1.27	6.81- 8.28	1.22	5.98- 7.35	1.18	5.49- 6.66
38		4	.26	1.30- 1.58	.25	1.15- 1.41	.24	1.05- 1.29	1.27	6.37- 7.74	1.22	5.64- 6.91	1.18	5.14- 6.32
39		5 and up	.26	1.22- 1.48	.25	1.09- 1.33	.24	1.02- 1.22	1.27	5.98- 7.25	1.22	5.34- 6.52	1.18	5.00- 5.98
40		Ungraded	.26	1.22- 1.48	.25	1.09- 1.33	.24	1.02- 1.22	1.27	5.98- 7.25	1.22	5.34- 6.52	1.18	5.00- 5.98
41	9	2	.26	1.53- 1.89	.25	1.33- 1.65	.24	1.26- 1.42	1.27	7.50- 9.26	1.22	6.52- 8.08	1.18	6.17- 6.96
42		3	.26	1.45- 1.79	.25	1.25- 1.55	.24	1.18- 1.34	1.27	7.10- 8.77	1.22	6.12- 7.60	1.18	5.78- 6.57
43		4	.26	1.35- 1.67	.25	1.18- 1.46	.24	1.14- 1.24	1.27	6.62- 8.18	1.22	5.78- 7.15	1.18	5.59- 6.08
44		5 and up	.26	1.27- 1.57	.25	1.12- 1.38	.24	1.07- 1.21	1.27	6.22- 7.69	1.22	5.49- 6.76	1.18	5.24- 5.93
45		Ungraded	.26	1.27- 1.57	.25	1.12- 1.38	.24	1.07- 1.21	1.27	6.22- 7.69	1.22	5.49- 6.76	1.18	5.24- 5.93
46	10	2	.37	1.43- 1.57	.35	1.37- 1.49	.33	1.32- 1.44	1.81	7.01- 7.69	1.72	6.71- 7.30	1.62	6.47- 7.06
47		3	.37	1.36- 1.48	.35	1.29- 1.39	.33	1.24- 1.34	1.81	6.66- 7.25	1.72	6.32- 6.81	1.62	6.08- 6.57
48		4	.37	1.27- 1.39	.35	1.22- 1.32	.33	1.18- 1.26	1.81	6.22- 6.81	1.72	5.98- 6.47	1.62	5.78- 6.17
49		5 and up	.37	1.19- 1.31	.35	1.15- 1.25	.33	1.13- 1.21	1.81	5.83- 6.42	1.72	5.64- 6.12	1.62	5.54- 5.93
50		Ungraded	.37	1.19- 1.31	.35	1.15- 1.25	.33	1.13- 1.21	1.81	5.83- 6.42	1.72	5.64- 6.12	1.62	5.54- 5.93
51	11	2	.39	1.59- 1.95	.38	1.46- 1.78	.37	1.43- 1.59	1.91	7.79- 9.56	1.86	7.15- 8.72	1.81	7.01- 7.79
52		3	.39	1.51- 1.85	.38	1.37- 1.67	.37	1.34- 1.48	1.91	7.40- 9.06	1.86	6.71- 8.18	1.81	6.57- 7.25
53		4	.39	1.41- 1.73	.38	1.29- 1.57	.37	1.27- 1.41	1.91	6.91- 8.48	1.86	6.32- 7.69	1.81	6.22- 6.91
54		5 and up	.39	1.33- 1.63	.38	1.22- 1.50	.37	1.23- 1.33	1.91	6.52- 7.99	1.86	5.98- 7.35	1.81	6.03- 6.52
55		Ungraded	.39	1.33- 1.63	.38	1.22- 1.50	.37	1.23- 1.33	1.91	6.52- 7.99	1.86	5.98- 7.35	1.81	6.03- 6.52

[Table 3 amended by Am. 20, 10 F.R. 841, effective 1-25-45]

TABLE 4—SPECIFIC DOLLARS-AND-CENTS MAXIMUM PRICES PER DOZEN CONTAINERS FOR PROCESSORS WHO WERE NOT IN BUSINESS DURING 1941 OR WHO MADE NO SALES OF PACKED SNAP BEANS DURING THE BASE PERIOD

(PART 1) WHOLE SNAP BEANS (BUSH BEANS IN AREAS 1 THROUGH 10, POLE BEANS IN AREA 11)

Item No.	Area	Sieve size	No. 2 cans			No. 10 cans		
			Fancy	Extra standard	Standard	Fancy	Extra standard	Standard
1	1	1	$1.90	$1.75	$1.65	$9.31	$8.58	$8.08
2		2	1.76	1.61	1.51	8.62	7.89	7.40
3		3	1.56	1.41	1.31	7.64	6.91	6.42
4		4	1.42	1.27	1.17	6.96	6.22	5.73
5		5 and up	1.36	1.21	1.11	6.66	5.93	5.44
6		Ungraded	1.36	1.21	1.11	6.66	5.93	5.44
7	2	1	2.37	2.22	2.12	11.61	10.88	10.39
8		2	2.18	2.03	1.93	10.68	9.95	9.46
9		3	1.91	1.76	1.66	9.36	8.62	8.13
10		4	1.72	1.57	1.47	8.43	7.69	7.20
11		5 and up	1.64	1.49	1.39	8.04	7.30	6.81
12		Ungraded	1.64	1.49	1.39	8.04	7.30	6.81
13	3	1	2.02	1.87	1.77	9.90	9.16	8.67
14		2	1.86	1.71	1.61	9.11	8.38	7.89
15		3	1.63	1.48	1.38	7.99	7.25	6.76
16		4	1.47	1.32	1.22	7.20	6.47	5.98
17		5 and up	1.40	1.25	1.15	6.86	6.12	5.64
18		Ungraded	1.40	1.25	1.15	6.86	6.12	5.64
19	4	1	2.02	1.87	1.77	9.90	9.16	8.67
20		2	1.86	1.71	1.61	9.11	8.38	7.89
21		3	1.63	1.48	1.38	7.99	7.25	6.76
22		4	1.47	1.32	1.22	7.20	6.47	5.98
23		5 and up	1.40	1.25	1.15	6.86	6.12	5.64
24		Ungraded	1.40	1.25	1.15	6.86	6.12	5.64

TABLE 4—SPECIFIC DOLLARS-AND-CENTS MAXIMUM PRICES PER DOZEN CONTAINERS FOR PROCESSORS WHO WERE NOT IN BUSINESS DURING 1941 OR WHO MADE NO SALES OF PACKED SNAP BEANS DURING THE BASE PERIOD—Continued.

(PART 1) WHOLE SNAP BEANS (BUSH BEANS IN AREAS 1 THROUGH 10, POLE BEANS IN AREA 11)—continued

Item No.	Area	Sieve size	No. 2 cans			No. 10 cans		
			Fancy	Extra standard	Standard	Fancy	Extra standard	Standard
25	5	1	$2.10	$1.95	$1.85	$10.29	$9.56	$9.06
26		2	1.93	1.78	1.68	9.46	8.72	8.23
27		3	1.69	1.54	1.44	8.28	7.55	7.05
28		4	1.52	1.37	1.27	7.45	6.71	6.22
29		5 and up	1.46	1.31	1.21	7.15	6.42	5.93
30		Ungraded	1.46	1.31	1.21	7.15	6.42	5.93
31	6	1	2.24	2.09	1.99	10.98	10.24	9.75
32		2	2.06	1.91	1.81	10.09	9.36	8.87
33		3	1.80	1.65	1.55	8.82	8.08	7.60
34		4	1.62	1.47	1.37	7.94	7.20	6.71
35		5 and up	1.56	1.41	1.31	7.64	6.91	6.42
36		Ungraded	1.56	1.41	1.31	7.64	6.91	6.42
37	7	1	1.86	1.71	1.61	9.11	8.38	7.89
38		2	1.72	1.57	1.47	8.43	7.69	7.20
39		3	1.53	1.38	1.28	7.50	6.76	6.27
40		4	1.39	1.24	1.14	6.81	6.08	5.59
41		5 and up	1.33	1.18	1.08	6.52	5.78	5.29
42		Ungraded	1.33	1.18	1.08	6.52	5.78	5.29
43	8	1	1.99	1.84	1.74	9.75	9.02	8.53
44		2	1.84	1.69	1.59	9.02	8.28	7.79
45		3	1.64	1.49	1.39	8.04	7.30	6.81
46		4	1.49	1.34	1.24	7.30	6.57	6.08
47		5 and up	1.43	1.28	1.18	7.01	6.27	5.78
48		Ungraded	1.43	1.28	1.18	7.01	6.27	5.78
49	9	1	2.13	1.98	1.88	10.44	9.70	9.21
50		2	1.96	1.81	1.71	9.60	8.87	8.38
51		3	1.72	1.57	1.47	8.43	7.69	7.20
52		4	1.55	1.40	1.30	7.60	6.86	6.37
53		5 and up	1.48	1.33	1.23	7.25	6.52	6.03
54		Ungraded	1.48	1.33	1.23	7.25	6.52	6.03
55	10	1	1.87	1.72	1.62	9.16	8.43	7.94
56		2	1.72	1.57	1.47	8.43	7.69	7.20
57		3	1.51	1.36	1.26	7.40	6.66	6.17
58		4	1.36	1.21	1.11	6.66	5.93	5.44
59		5 and up	1.30	1.15	1.05	6.37	5.64	5.14
60		Ungraded	1.30	1.15	1.05	6.37	5.64	5.14
61	11	1	2.23	2.08	1.98	10.93	10.19	9.70
62		2	2.05	1.90	1.80	10.04	9.31	8.82
63		3	1.80	1.65	1.55	8.82	8.06	7.60
64		4	1.62	1.47	1.37	7.94	7.20	6.71
65		5 and up	1.58	1.43	1.33	7.74	7.01	6.52
66		Ungraded	1.58	1.43	1.33	7.74	7.01	6.52

(PART 2) CUT SNAP BEANS (BUSH BEANS IN AREAS 1 THROUGH 10, POLE BEANS IN AREA 11)

1	1	2	$1.49	$1.44	$1.40	$7.30	$7.06	$6.86
2		3	1.41	1.36	1.32	6.91	6.66	6.47
3		4	1.32	1.27	1.24	6.47	6.22	6.08
4		5 and up	1.24	1.21	1.19	6.08	5.93	5.83
5		Ungraded	1.24	1.21	1.19	6.08	5.93	5.83
6	2	2	1.82	1.64	1.53	8.92	8.04	7.50
7		3	1.72	1.54	1.42	8.43	7.55	6.96
8		4	1.61	1.45	1.35	7.89	7.10	6.62
9		5 and up	1.51	1.39	1.30	7.40	6.81	6.37
10		Ungraded	1.51	1.39	1.30	7.40	6.81	6.37
11	3	2	1.62	1.47	1.37	7.94	7.20	6.71
12		3	1.53	1.38	1.28	7.50	6.76	6.27
13		4	1.43	1.30	1.21	7.01	6.37	5.93
14		5 and up	1.34	1.23	1.16	6.57	6.03	5.68
15		Ungraded	1.34	1.23	1.16	6.57	6.03	5.68
16	4	2	1.62	1.47	1.37	7.94	7.20	6.71
17		3	1.53	1.38	1.28	7.50	6.76	6.27
18		4	1.43	1.30	1.21	7.01	6.37	5.93
19		5 and up	1.34	1.23	1.16	6.57	6.03	5.68
20		Ungraded	1.34	1.23	1.16	6.57	6.03	5.68
21	5	2	1.63	1.48	1.38	7.99	7.25	6.76
22		3	1.56	1.41	1.31	7.64	6.91	6.42
23		4	1.47	1.32	1.22	7.20	6.47	5.98
24		5 and up	1.40	1.25	1.15	6.86	6.12	5.64
25		Ungraded	1.40	1.25	1.15	6.86	6.12	5.64

TABLE 4—SPECIFIC DOLLARS-AND-CENTS MAXIMUM PRICES PER DOZEN CONTAINERS FOR PROCESSORS WHO WERE NOT IN BUSINESS DURING 1941 OR WHO MADE NO SALES OF PACKED SNAP BEANS DURING THE BASE PERIOD—Continued.

(PART 2) CUT SNAP BEANS (BUSH BEANS IN AREAS 1 THROUGH 10, POLE BEANS IN AREA 11)—continued

Item No.	Area	Sieve size	No. 2 cans			No. 10 cans		
			Fancy	Extra standard	Standard	Fancy	Extra standard	Standard
26	3	2	$1.75	$1.60	$1.50	$8.58	$7.84	$7.35
27		3	1.67	1.52	1.42	8.18	7.45	6.96
28		4	1.57	1.42	1.32	7.69	6.96	6.47
29		5 and up	1.50	1.35	1.25	7.35	6.62	6.12
30		Ungraded	1.50	1.35	1.25	7.35	6.62	6.12
31	7	2	1.51	1.33	1.21	7.40	6.52	5.93
32		3	1.43	1.25	1.13	7.01	6.13	5.54
33		4	1.34	1.18	1.07	6.57	5.78	5.24
34		5 and up	1.26	1.12	1.02	6.17	5.49	5.00
35		Ungraded	1.26	1.12	1.02	6.17	5.49	5.00
36	8	2	1.62	1.44	1.32	7.94	7.06	6.47
37		3	1.54	1.36	1.24	7.55	6.67	6.08
38		4	1.44	1.28	1.17	7.06	6.27	5.73
39		5 and up	1.35	1.21	1.12	6.62	5.93	5.49
40		Ungraded	1.35	1.21	1.12	6.62	5.93	5.49
41	9	2	1.71	1.49	1.34	8.38	7.30	6.57
42		3	1.62	1.40	1.26	7.94	6.86	6.17
43		4	1.51	1.32	1.19	7.40	6.47	5.83
44		5 and up	1.42	1.25	1.14	6.96	6.12	5.59
45		Ungraded	1.42	1.25	1.14	6.96	6.12	5.59
46	10	2	1.50	1.43	1.38	7.35	7.01	6.76
47		3	1.42	1.34	1.29	6.96	6.57	6.32
48		4	1.33	1.27	1.22	6.52	6.22	5.98
49		5 and up	1.25	1.20	1.17	6.12	5.88	5.73
50		Ungraded	1.25	1.20	1.17	6.12	5.88	5.73
51	11	2	1.77	1.62	1.51	8.67	7.94	7.40
52		3	1.68	1.52	1.41	8.23	7.45	6.91
53		4	1.57	1.43	1.34	7.69	7.01	6.57
54		5 and up	1.48	1.36	1.28	7.25	6.66	6.27
55		Ungraded	1.48	1.36	1.28	7.25	6.66	6.27

Table 4 amended by Am. 20, 10 F.R. 841, effective 1-25-45

TABLE 5—CONVERSION FACTORS—METAL CONTAINERS

To convert from a can size in this column	To a can size listed at the head of a column below, multiply by the appropriate conversion factor:					
	8 oz.	No. 1 picnic	No. 303	No. 2	No. 2½	No. 10
8 ounces				1.82		8.92
No. 1 picnic				1.52		7.45
No. 303				1.14		5.59
No. 2	.55	.66	.88		1.35	4.90
No. 2½				.74		3.63
No. 10	.11	.13	.18	.20	.28	

TABLE 6—CONVERSIONS FROM TIN TO GLASS

ALL SNAP BEANS

[Dollars per dozen containers]

If you can figure a price for a can size in this column	To get a price for the glass container size at the head of a column below, add the indicated amount	
	No. 303	No. 2½
No. 303	$0.15	
No. 2½		$0.15

TABLE 7—SIEVE SIZE CONVERSION FACTORS

(PART 1) WHOLE SNAP BEANS

To convert from a sieve size in this column	To a sieve size listed at the head of a column below, multiply by the appropriate conversion factor					
	1 sieve	2 sieve	3 sieve	4 sieve	5 sieve and up	Ungraded
1 sieve	1.00	.92	.81	.72	.69	.69
2 sieve	1.09	1.00	.88	.79	.75	.75
3 sieve	1.24	1.14	1.00	.90	.86	.86
4 sieve	1.38	1.27	1.11	1.00	.96	.96
5 sieve and up	1.44	1.33	1.16	1.04	1.00	1.00
Ungraded	1.44	1.33	1.16	1.04	1.00	1.00

(PART 2) CUT SNAP BEANS

	2 sieve	3 sieve	4 sieve	5 sieve and up	Ungraded
2 sieve	1.00	.95	.88	.83	.83
3 sieve	1.07	1.00	.93	.88	.88
4 sieve	1.13	1.07	1.00	.94	.94
5 sieve and up	1.20	1.14	1.06	1.00	1.00
Ungraded	1.20	1.14	1.06	1.00	1.00

TABLE 8—GRADE DIFFERENTIALS

In each case in figuring prices based on grade differentials, if the processor has base prices for both a higher and lower grade than the item being priced, he shall use the differential between the item being priced and the lower grade, except that substandard shall not be used as the lower grade. (For example, if the processor has base prices for both Fancy and Standard grades and now wishes to price Extra Standard he takes the difference between Extra Standard and Standard.)

(PART 1) WHOLE SNAP BEANS. (BUSH BEANS IN AREAS 1 THROUGH 10, POLE BEANS IN AREA 11)

[Differences between successive grades per dozen containers]

Item No.	Area	Sieve size	No. 2 cans			No. 10 cans		
			Fancy and Ex-Standard	Ex-Standard and Standard	Standard and Sub-Standard	Fancy and Ex-Standard	Ex-Standard and Standard	Standard and Sub-Standard
1	1	1	$0.15	$0.10	$0.10	$0.73	$0.50	$0.49
2		2	.15	.10	.10	.73	.49	.49
3		3	.15	.10	.10	.73	.49	.49
4		4	.15	.10	.10	.74	.49	.49
5		5 and up	.15	.10	.10	.73	.49	.49
6		Ungraded	.15	.10	.10	.73	.49	.49
7	2	1	.15	.10	.10	.73	.49	.49
8		2	.15	.10	.10	.73	.49	.49
9		3	.15	.10	.10	.74	.49	.49
10		4	.15	.10	.10	.74	.49	.49
11		5 and up	.15	.10	.10	.74	.49	.49
12		Ungraded	.15	.10	.10	.74	.49	.49
13	3	1	.15	.10	.10	.74	.49	.49
14		2	.15	.10	.10	.73	.49	.49
15		3	.15	.10	.10	.74	.49	.49
16		4	.15	.10	.10	.73	.49	.49
17		5 and up	.15	.10	.10	.74	.48	.49
18		Ungraded	.15	.10	.10	.74	.49	.49
19	4	1	.15	.10	.10	.74	.49	.49
20		2	.15	.10	.10	.73	.49	.49
21		3	.15	.10	.10	.74	.49	.49
22		4	.15	.10	.10	.73	.49	.49
23		5 and up	.15	.10	.10	.74	.48	.49
24		Ungraded	.15	.10	.10	.74	.49	.49
25	5	1	.15	.10	.10	.73	.50	.49
26		2	.15	.10	.10	.74	.49	.49
27		3	.15	.10	.10	.73	.49	.49
28		4	.15	.10	.10	.74	.49	.49
29		5 and up	.15	.10	.10	.73	.49	.49
30		Ungraded	.15	.10	.10	.73	.49	.49

TABLE 8—GRADE DIFFERENTIALS—Continued

(PART 1) WHOLE SNAP BEANS, ETC.—continued

Item No.	Area	Sieve size	No. 2 cans			No. 10 cans		
			Fancy and Ex-Standard	Ex-Standard and Standard	Standard and Sub-Standard	Fancy and Ex-Standard	Ex-Standard and Standard	Standard and Sub-Standard
31	6	1	$0.15	$0.10	$0.10	$0.74	$0.49	$0.49
32		2	.15	.10	.10	.73	.49	.49
33		3	.15	.10	.10	.74	.48	.49
34		4	.15	.10	.10	.74	.49	.49
35		5 and up	.15	.10	.10	.73	.49	.49
36		Ungraded	.15	.10	.10	.73	.49	.49
37	7	1	.15	.10	.10	.73	.49	.49
38		2	.15	.10	.10	.74	.49	.49
39		3	.15	.10	.10	.74	.49	.49
40		4	.15	.10	.10	.73	.49	.49
41		5 and up	.15	.10	.10	.74	.49	.49
42		Ungraded	.15	.10	.10	.74	.49	.49
43	8	1	.15	.10	.10	.73	.49	.49
44		2	.15	.10	.10	.74	.49	.49
45		3	.15	.10	.10	.74	.49	.49
46		4	.15	.10	.10	.73	.49	.49
47		5 and up	.15	.10	.10	.74	.49	.49
48		Ungraded	.15	.10	.10	.74	.49	.49
49	9	1	.15	.10	.10	.74	.49	.49
50		2	.15	.10	.10	.73	.49	.49
51		3	.15	.10	.10	.74	.49	.49
52		4	.15	.10	.10	.74	.49	.49
53		5 and up	.15	.10	.10	.73	.49	.49
54		Ungraded	.15	.10	.10	.73	.49	.49
55	10	1	.15	.10	.10	.73	.49	.49
56		2	.15	.10	.10	.74	.49	.49
57		3	.15	.10	.10	.74	.49	.49
58		4	.15	.10	.10	.73	.49	.49
59		5 and up	.15	.10	.10	.73	.50	.49
60		Ungraded	.15	.10	.10	.73	.50	.49
61	11	1	.15	.10	.10	.74	.49	.49
62		2	.15	.10	.10	.73	.49	.49
63		3	.15	.10	.10	.74	.48	.49
64		4	.15	.10	.10	.74	.49	.49
65		5 and up	.15	.10	.10	.73	.49	.49
66		Ungraded	.15	.10	.10	.73	.49	.49

(PART 2) CUT SNAP BEANS (BUSH BEANS IN AREAS 1 THROUGH 10, POLE BEANS IN AREA 11)

1	1	2	$0.05	$0.04	$0.10	$0.24	$0.20	$0.49
2		3	.05	.04	.10	.25	.19	.49
3		4	.05	.03	.10	.25	.14	.49
4		5 and up	.03	.02	.10	.15	.10	.49
5		Ungraded	.03	.02	.10	.15	.10	.49
6	2	2	.18	.11	.10	.88	.54	.49
7		3	.18	.12	.10	.88	.59	.49
8		4	.16	.10	.10	.79	.48	.49
9		5 and up	.12	.09	.10	.59	.44	.49
10		Ungraded	.12	.09	.10	.59	.44	.49
11	3	2	.15	.10	.10	.74	.49	.49
12		3	.15	.10	.10	.74	.49	.49
13		4	.13	.09	.10	.64	.44	.49
14		5 and up	.11	.07	.10	.54	.35	.49
15		Ungraded	.11	.07	.10	.54	.35	.49
16	4	2	.15	.10	.10	.74	.49	.49
17		3	.15	.10	.10	.74	.49	.49
18		4	.13	.09	.10	.64	.44	.49
19		5 and up	.11	.07	.10	.54	.35	.49
20		Ungraded	.11	.07	.10	.54	.35	.49
21	5	2	.15	.10	.10	.74	.49	.49
22		3	.15	.10	.10	.73	.49	.49
23		4	.15	.10	.10	.73	.49	.49
24		5 and up	.15	.10	.10	.74	.48	.49
25		Ungraded	.15	.10	.10	.74	.48	.49
26	6	2	.15	.10	.10	.74	.49	.49
27		3	.15	.10	.10	.73	.49	.49
28		4	.15	.10	.10	.73	49	.49
29		5 and up	.15	.10	.10	.73	.50	.49
30		Ungraded	.15	.10	.10	.73	.50	.49

TABLE 8—GRADE DIFFERENTIALS—Continued

(PART 2) CUT SNAP BEANS, ETC.—continued

Item No.	Area	Sieve size	No. 2 cans			No. 10 cans		
			Fancy and Ex-Standard	Ex-Standard and Standard	Standard and Sub-Standard	Fancy and Ex-Standard	Ex-Standard and Standard	Standard and Sub-Standard
31	7	2	$0.18	$0.12	$0.10	$0.88	$0.59	$0.49
32		3	.18	.12	.10	.88	.59	.49
33		4	.16	.11	.10	.79	.54	.49
34		5 and up	.14	.10	.10	.68	.49	.49
35		Ungraded	.14	.10	.10	.68	.49	.49
36	8	2	.18	.12	.10	.88	.59	.49
37		3	.18	.12	.10	.88	.59	.49
38		4	.16	.11	.10	.79	.54	.49
39		5 and up	.14	.09	.10	.69	.44	.49
40		Ungraded	.14	.09	.10	.69	.44	.49
41	9	2	.22	.15	.10	1.08	.73	.49
42		3	.22	.14	.10	1.08	.69	.49
43		4	.19	.13	.10	.93	.64	.49
44		5 and up	.17	.11	.10	.84	.53	.49
45		Ungraded	.17	.11	.10	.84	.53	.49
46	10	2	.07	.05	.10	.34	.25	.49
47		3	.08	.05	.10	.39	.25	.49
48		4	.06	.05	.10	.30	.24	.49
49		5 and up	.05	.03	.10	.24	.15	.49
50		Ungraded	.05	.03	.10	.24	.15	.49
51	11	2	.15	.11	.10	.75	.54	.49
52		3	.16	.11	.10	.78	.54	.49
53		4	.14	.09	.10	.65	.44	.49
54		5 and up	.12	.08	.10	.59	.39	.49
55		Ungraded	.12	.08	.10	.59	.39	.49

[Table 8 amended by Am. 20, 10 F.R. 841, effective 1-25-45]

TABLE 9—DIRECT SUBSIDY PAYABLE PER DOZEN CONTAINERS

[All areas, varieties, sieve sizes and grades]

Amount of subsidy to be substracted from gross maximum price per dozen containers in making sales to purchasers other than government procurement agencies:

No. 2 cans	No. 10 cans
$0.11	$0.54

To figure amount of subsidy for other container sizes, multiply the amount named above for No. 2 cans by the appropriate conversion factor in Table 5.

Special pricing provisions applicable to packed pole beans in areas other than Area 11, packed bush beans in Area 11, certain styles of pack, and blends of sieve sizes. The following special pricing provisions are applicable to packed pole beans in areas other than Area 11, packed bush beans in Area 11, asparagus style of pack, French style of pack, and blends of sieve sizes. In each case, the maximum price referred to in the provisions is the gross maximum price (after all appropriate conversions made under subparagraph (2), (3) or (4) of section 5 (a), and before subtraction of the direct subsidy payable per unit of the finished product).

(a) *Maximum prices for packed pole beans in areas other than Area 11.* In each area other than Area 11, the maximum prices for packed pole beans shall be: In No. 2 cans, five cents per dozen, in No. 2½ cans, seven and one-half cents per dozen, and in No. 10 cans twenty-five cents per dozen, higher than the maximum prices for packed bush beans in the same area.

(b) *Maximum prices for packed bush beans in Area 11.* In Area 11, the maximum prices for packed bush beans shall be: In No. 2 cans, five cents per dozen, in No. 2½ cans, seven and one-half cents per dozen, and in No. 10 cans, twenty-five cents per dozen, lower than the maximum prices for packed pole beans in that area.

(c) *Maximum prices for asparagus style of pack.* The maximum prices for asparagus style, horizontal style or vertical style of pack, shall be: In No. 2 cans twenty-five cents per dozen, in No. 2½ cans, thirty-two and one-half cents per dozen, and in No. 10 cans, $1.25 per dozen, higher than the maximum prices for packed whole beans of the same variety and grade.

(d) *Maximum prices for French style of pack.* The maximum prices for French style of pack shall be: In No. 2 cans, five cents per dozen, in No. 2½ cans, seven and one-half cents per dozen, and in No. 10 cans, twenty-five cents per dozen, higher than the maximum prices for packed whole beans of the same variety and grade.

(e) *Maximum prices for blends of sieve sizes.* (1) The maximum price of a blend of two sieve sizes of a variety, style of pack and grade shall be the maximum price of the larger sieve size in the blend.

"Blend of two sieve sizes" means a combination of two sieve sizes, which contains not more than 10 per cent by volume of snap beans which are larger than the larger sieve size declared in the blend, and not more than 2 percent by volume of snap beans which are two or more sieve sizes larger than the larger sieve size declared in the blend.

If the combination contains more than the specified percentage by volume of sieve sizes larger than the larger sieve size declared in the blend, the maximum price shall be the same as the maximum price for the same variety, style of pack and grade, ungraded as to sieve size, packed in the same container.

(2) The maximum price of a blend of three sieve sizes containing only No. 4 sieve size and larger shall be the same as the maximum price for the same variety, style of pack and grade, ungraded as to sieve size, packed in the same container. The maximum price of a blend of three sieve sizes of a variety, style of pack and grade, which blend includes at least one sieve size which is smaller than No. 4 sieve size shall be: In No. 2 cans, five cents per dozen, in No. 2½ cans, seven and one-half cents per dozen, and in No. 10 cans, twenty-five cents per dozen, more than the maximum price of the largest sieve size in the blend, packed in the same container.

"Blend of three sieve sizes" means a combination of three sieve sizes, which contains not more than 5 per cent by volume of snap beans which are larger than the largest sieve size declared in the blend, and not more than 1 per cent by volume of snap beans which are two or more sieve sizes larger than the largest sieve size declared in the blend.

If the combination contains more than the specified percentage by volume of sieve sizes larger than the largest sieve size declared in the blend, the maximum price shall be the same as the maximum price for the same variety, style of pack and grade, ungraded as to sieve size, packed in the same container.

(3) The maximum price of a blend of four or more sieve sizes of a variety, style of pack and grade shall be the same as the maximum price for the same variety, style of pack and grade, ungraded as to sieve size, packed in the same container.

[Appendix D added by Am. 6, 9 F.R. 10714, effective 8-30-44]

APPENDIX E—TOMATOES (EXCEPT ITALIAN PEAR SHAPED TOMATOES)

Explanation of how maximum prices for packed tomatoes are figured. For packed tomatoes, the order in which conversions are to be made for grade and container type and size under subparagraph (2), (3) or (4) of section 5 (a) of this supplement differs from that specified in the note at the beginning of section 5 (a) (2). In figuring maximum prices for packed tomatoes under those subparagraphs, steps are to be taken in the order indicated below in all cases (although in many cases not all of the steps are necessary):

1. Convert for container size.
2. Add the permitted increase specified in Table 3 for the grade sold in the base period.
3. Convert for grade.
4. Apply the limitations of the price range.
5. Convert for container type and size.
6. Subtract subsidy payable per unit of the finished product, for sales to purchasers other than government procurement agencies.

Conversions from metal containers to glass containers must be made after applying the limitations of the price range (see step 5) and not in base period prices, since permitted increases and price ranges are based on cost increase and base period price data for metal containers only. The processor must first construct a maximum price for the item when packed in metal containers and then add (or subtract) the appropriate amount named in Table 6, even though he sold the item in glass containers during the base period.

[Heading to Appendix E, amended by Am. 15, 9 F.R. 13631, effective 11-17-44]

TABLE 1—AREAS

1. Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Northern Pennsylvania (Wayne, Susquehanna, Bradford, Tioga, Potter, McKean, Warren, Forest, Erie, Crawford and Venango Counties) and New Jersey.

2. Maryland, Delaware and Southern Pennsylvania (all of the State of Pennsylvania not included in Area 1).

3. Virginia.

4. West Virginia, Kentucky, Tennessee, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Kansas and Missouri, Oklahoma (Washington, Nowata, Craig, Ottawa, Tulsa, Rogers, Mayes, Delaware, Wagoner, Cherokee, Adair, Okmulgee, Muskogee, Sequoyah, McIntosh, Haskell and Le Flore counties), Arkansas (Benton, Carroll, Boone, Baxter, Washington, Madison, Newton, Searcy, Stone, Crawford, Franklin, Johnson, Pope, Van Buren, Sebastian, Logan, Conway, Marion, Scott and Yell counties).

5. North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Oklahoma (except those counties included in Area 4), Texas and Arkansas (except those counties included in Area 4).

6. Montana, Idaho, Wyoming, Colorado, Utah, New Mexico, Arizona and Nevada.

7. Oregon, Washington and California.

[Table 1 amended by Am. 13, 9 F.R. 12267, effective 10-7-44; and Am. 16, 9 F.R. 13960, effective 11-21-44]

TABLE 2—BASE PERIOD PRICES

All areas: Weighted average selling price for the first 60 days after the beginning of the 1941 pack.

TABLE 8—PERMITTED INCREASES AND PRICE RANGES PER DOZEN CONTAINERS FOR PROCESSORS OF PACKED TOMATOES WHO MADE SALES DURING THE BASE PERIOD

Area and grade	No. 2 cans		No. 2½ cans		No. 10 cans	
	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges
Area 1:						
Fancy whole	$0.43	$1.60–$1.70	$0.59	$2.05–$2.27	$2.02	$6.63–$7.33
Fancy	.42	1.52– 1.62	.57	1.94– 2.16	1.97	6.25– 6.95
Extra standard	.38	1.25– 1.35	.52	1.64– 1.86	1.78	5.73– 6.23
Standard	.36	1.12– 1.22	.49	1.43– 1.65	1.69	4.92– 5.56
Substandard	.34	1.02– 1.12	.46	1.25– 1.47	1.60	4.42– 5.06
Area 2:						
Fancy whole	.33	1.41– 1.53	.45	1.89– 2.09	1.55	6.29– 6.97
Fancy	.32	1.33– 1.45	.43	1.78– 1.98	1.50	5.91– 6.59
Extra standard	.30	1.17– 1.31	.41	1.60– 1.72	1.41	5.32– 6.00
Standard	.29	1.05– 1.13	.39	1.46– 1.58	1.36	4.83– 5.51
Substandard	.28	.95– 1.03	.38	1.28– 1.40	1.32	4.33– 5.01
Area 3:						
Fancy whole	.30	1.33– 1.51	.41	1.85– 1.95	1.41	5.65– 6.35
Fancy	.29	1.25– 1.43	.39	1.74– 1.84	1.32	5.27– 5.97
Extra standard	.27	1.12– 1.26	.37	1.57– 1.65	1.27	4.82– 5.52
Standard	.26	1.04– 1.10	.35	1.42– 1.50	1.22	4.35– 5.05
Substandard	.25	.94– 1.00	.34	1.24– 1.32	1.18	3.85– 4.55
Area 4:						
Fancy whole	.37	1.40– 1.58	.50	1.85– 2.07	1.74	6.18– 6.86
Fancy	.36	1.32– 1.50	.49	1.74– 1.96	1.69	5.80– 6.48
Extra standard	.34	1.19– 1.33	.46	1.60– 1.78	1.60	5.39– 6.07
Standard	.33	1.11– 1.17	.45	1.50– 1.60	1.55	5.01– 5.69
Substandard	.32	1.01– 1.07	.44	1.32– 1.42	1.50	4.51– 5.19
Area 5:						
Fancy whole	.32	1.36– 1.48	.44	1.81– 1.91	1.50	5.89– 6.59
Fancy	.31	1.28– 1.40	.42	1.70– 1.80	1.46	5.51– 6.21
Extra standard	.29	1.15– 1.23	.39	1.56– 1.64	1.36	5.06– 5.76
Standard	.28	1.01– 1.09	.38	1.38– 1.46	1.32	4.57– 5.27
Substandard	.27	.91– .99	.37	1.20– 1.28	1.27	4.07– 4.77
Area 6:						
Fancy whole	.38	1.44– 1.56	.47	1.82– 1.92	1.54	6.13– 6.53
Fancy	.37	1.36– 1.48	.46	1.71– 1.81	1.50	5.75– 6.15
Extra standard	.35	1.23– 1.31	.43	1.53– 1.63	1.42	5.34– 5.70
Standard	.34	1.17– 1.25	.42	1.47– 1.57	1.38	4.98– 5.48
Substandard	.33	1.07– 1.15	.41	1.29– 1.39	1.34	4.48– 4.98
Area 7:						
Fancy whole	.43	1.64– 1.76	.53	2.07– 2.21	1.74	6.63– 7.07
Fancy	.41	1.56– 1.68	.51	1.96– 2.10	1.66	6.25– 6.69
Extra standard	.37	1.42– 1.54	.46	1.74– 1.88	1.50	5.70– 6.36
Standard	.33	1.25– 1.31	.41	1.51– 1.59	1.34	4.88– 5.28
Substandard	.30	1.15– 1.21	.37	1.33– 1.41	1.22	4.38– 4.78

TABLE 4—SPECIFIC DOLLARS-AND-CENTS MAXIMUM PRICES PER DOZEN CONTAINERS FOR PROCESSORS WHO WERE NOT IN BUSINESS DURING 1941 OR WHO MADE NO SALES OF PACKED TOMATOES DURING THE BASE PERIOD

Area and grade	No. 2 cans	No. 2½ cans	No. 10 cans
Area 1:			
Fancy whole	$1.65	$2.16	$6.98
Fancy	1.57	2.05	6.60
Extra standard	1.30	1.75	5.98
Standard	1.17	1.54	5.24
Substandard	1.07	1.36	4.74
Area 2:			
Fancy whole	1.47	1.99	6.63
Fancy	1.39	1.88	6.25
Extra standard	1.24	1.66	5.66
Standard	1.09	1.52	5.17
Substandard	.99	1.34	4.67
Area 3:			
Fancy whole	1.42	1.90	6.60
Fancy	1.34	1.79	5.62
Extra standard	1.19	1.61	5.17
Standard	1.07	1.46	4.70
Substandard	.97	1.28	4.20
Area 4:			
Fancy whole	1.49	1.96	6.52
Fancy	1.41	1.85	6.14
Extra standard	1.26	1.69	5.73
Standard	1.14	1.55	5.35
Substandard	1.04	1.37	4.85
Area 5:			
Fancy whole	1.42	1.86	6.24
Fancy	1.34	1.75	5.86
Extra standard	1.19	1.60	5.41
Standard	1.05	1.42	4.92
Substandard	.95	1.24	4.42
Area 6:			
Fancy whole	1.50	1.87	6.33
Fancy	1.42	1.76	5.95
Extra standard	1.27	1.68	5.52
Standard	1.21	1.52	5.23
Substandard	1.11	1.34	4.73
Area 7:			
Fancy whole	1.70	2.14	6.85
Fancy	1.62	2.03	6.47
Extra standard	1.48	1.81	6.03
Standard	1.28	1.55	5.08
Substandard	1.18	1.37	4.58

TABLE 5—CONVERSION FACTORS—METAL CONTAINERS (PART 1) AREAS 1–5, INCLUSIVE

To convert from a can size in this column	To a can size listed at the head of a column below, multiply by the appropriate conversion factor:			
	No. 1 Picnic	No. 2	No. 2½	No. 10
No. 1 Picnic	------	1.56	2.12	7.33
No. 2	.64	------	1.36	4.70
No. 2½	.47	.74	------	3.48
No. 10	.14	.21	.29	------

(PART 2) AREAS 6 AND 7

To convert from a can size in this column	To a can size listed at the head of a column below, multiply by the appropriate conversion factor				
	No. 1 tall	No 303	No. 2	No. 2½	No. 10
No. 1 Tall	------	------	1.20	1.49	4.87
No. 303	------	------	1.18	1.46	4.77
No. 2	.83	.85	------	1.24	4.05
No. 2½	.67	.69	.81	------	3.27
No. 10	.21	.21	.25	.31	------

TABLE 6—CONVERSION FROM TIN TO GLASS

[Dollars per dozen containers]

If you can figure a price for a can size in this column	To get a price for a grass container size in this column
No. 2½ can	2½ glass—add $0.15 per dozen.
No. 2 can	303 glass—add $0.02 per dozen.

[Table 6 amended by Am. 14, 9 F.R. 13590, effective 11-16-44]

TABLE 7—GRADE DIFFERENTIALS

In each case in figuring prices based on grade differentials, if the processor has base prices for both a higher and lower grade than the item being priced, he shall use the differential between the item being priced and the lower grade, except that substandard shall not be used as the lower grade. (For example, if the processor has base prices for both Fancy and Standard grades and now wishes to price Extra Standard he takes the difference between Extra Standard and Standard.)

[Differences between successive grades (per dozen containers)]

Area	No. 2 cans	No. 2½ cans	No. 10 cans
Area 1:			
Fancy whole and fancy	$0.08	$0.11	$0.38
Fancy and extra standard	.27	.30	.62
Extra standard and standard	.13	.21	.74
Standard and substandard	.10	.18	.50
Area 2:			
Fancy whole and fancy	.08	.11	.38
Fancy and extra standard	.15	.22	.59
Extra standard and standard	.15	.14	.49
Standard and substandard	.10	.18	.50
Area 3:			
Fancy whole and fancy	.08	.11	.38
Fancy and extra standard	.15	.18	.45
Extra standard and standard	.12	.15	.47
Standard and substandard	.10	.18	.50
Area 4:			
Fancy whole and fancy	.08	.11	.38
Fancy and extra standard	.15	.16	.41
Extra standard and standard	.12	.14	.38
Standard and substandard	.10	.18	.50
Area 5:			
Fancy whole and fancy	.08	.11	.38
Fancy and extra standard	.15	.15	.45
Extra standard and standard	.14	.18	.49
Standard and substandard	.10	.18	.50
Area 6:			
Fancy whole and fancy	.08	.11	.38
Fancy and extra standard	.15	.18	.43
Extra standard and standard	.06	.06	.29
Standard and substandard	.10	.18	.50
Area 7:			
Fancy whole and fancy	.08	11	.38
Fancy and extra standard	.14	.22	.44
Extra standard and standard	.20	.26	.95
Standard and substandard	.10	.18	.50

TABLE 8—DIRECT SUBSIDY PAYABLE PER DOZEN CONTAINERS

[All areas and grades]

Amount of subsidy to be subtracted from gross maximum price per dozen containers in making sales to purchasers other than government procurement agencies.

Container size:	*Amount to be subtracted*
No. 1—Picnic	$0.08
No. 1—Tall	.10
No. 303	.10
No. 2	.12
No. 2½	.16
No. 10	.54

[Appendix E added by Am. 8, 9 F.R. 10921, effective 9-5-44]

APPENDIX F—CORN

Explanation of how maximum prices for packed corn are figured. In making conversions for grade, for variety, for style of pack and for container type and size under subparagraph (2), (3), or (4) of section 5 (a) of this supplement the conversions are to be made in the same order and in the same manner as those for packed peas. The explanation at the beginning of Appendix C applies to this appendix for that purpose, except that for packed sweet corn conversions are made for variety and syle of pack instead of for variety and sieve size. (Step 3.) This conversion from one variety and style of pack to another variety or style of pack (for example from golden cream style sweet corn to whole grain or from golden cream style sweet corn to evergreen cream style sweet corn) must be made in the same manner as conversions from one variety and sieve size of packed peas to another is made under Appendix C.

APPENDIX F–CORN—Continued

This appendix covers the pricing of packed corn. However, the tables in the appendix apply only to the pricing of sweet corn and if any field corn or mixtures of field and sweet corn are packed by the processors he must apply for an individual authorization of a maximum price in accordance with section 10 (d).

TABLE 1—AREAS

1. Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

2. Delaware, Maryland, New Jersey, New York, Virginia.

3. Indiana, Michigan, Minnesota, Ohio, Pennsylvania, Wisconsin.

4. Illinois, Iowa, Nebraska.

5. Idaho—following counties (Donner, Boundary, Kootena, Benewah, Shoshone, Latah, Clearwater, Nez Perce, Lewis, Idaho, Adams, Valley, Washington, Payette, Gem, Canyon, Boise, Ada, Elmore, Owyhee, Camas, Gooding, Lincoln, Minidoka, Jerome, Twin Falls, and Cassia), Utah—following counties (Box Elder, Cache, Weber, Davis, Morgan, Salt Lake, and Utah), Oregon and Washington.

6. All other States and counties in Idaho and Utah not included in Area 5.

TABLE 2—BASE PERIOD PRICES

All areas: Weighted average selling price for the first 60 days after the beginning of the 1941 pack.

TABLE 3—PERMITTED INCREASES AND PRICE RANGES PER DOZEN CONTAINERS FOR PROCESSORS OF PACKED SWEET CORN WHO MADE SALES DURING THE BASE PERIOD

Item No.	Area	Variety	Style	No. 2 cans						No. 10 cans						No. 2 vacuum cans					
				Fancy		Extra standard		Standard		Fancy		Extra standard		Standard		Fancy		Extra standard		Standard	
				Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges
1	1	Golden	Cream	$0.30	$1.22–$1.34	$0.27	$1.13–$1.25	$0.24	$1.06–$1.16	$1.55	$6.30–$6.90	$1.39	$5.83–$6.45	$1.24	$5.47–$5.99						
2		White, other than Evergreen and Narrow grain.	Cream	.32	1.22– 1.34	.29	1.13– 1.25	.26	1.06– 1.16	1.65	6.30– 6.90	1.50	5.83– 6.45	1.34	5.47– 5.99						
3		Evergreen and Narrow grain	Cream	.32	1.12– 1.24	.29	1.03– 1.15	.26	1.01– 1.11	1.65	5.78– 6.40	1.50	5.31– 5.93	1.34	5.21– 5.73						
4		All Varieties	Whole grain	.29	1.27– 1.35	.26	1.21– 1.29	.23	1.14– 1.20	1.48	6.45– 6.87	1.32	6.16– 6.56	1.17	5.80– 6.10	$0.27	$1.20–$1.28	$0.24	$1.14–$1.22	$0.21	$1.07–$1.13
5	2	Golden	Cream	.32	1.28– 1.44	.29	1.16– 1.28	.27	1.09– 1.21	1.65	6.60– 7.42	1.50	5.98– 6.60	1.39	5.62– 6.24						
6		White, other than Evergreen and Narrow grain.	Cream	.34	1.28– 1.44	.31	1.16– 1.28	.29	1.09– 1.21	1.75	6.60– 7.42	1.60	5.98– 6.60	1.50	5.62– 6.24						
7		Evergreen and Narrow grain.	Cream	.34	1.18– 1.34	.31	1.06– 1.18	.29	1.04– 1.16	1.75	6.09– 6.91	1.60	5.47– 6.09	1.50	5.37– 5.99						
8		All varieties	Whole grain	.38	1.40– 1.54	.35	1.31– 1.41	.33	1.24– 1.34	1.93	7.13– 7.83	1.78	6.67– 7.17	1.68	6.30– 6.82	.35	1.30–1.44	.33	1.22–1.32	.31	1.15–1.25
9	3	Golden	Cream	.27	1.24– 1.34	.24	1.12– 1.22	.21	1.02– 1.12	1.39	6.39– 6.91	1.24	5.78– 6.30	1.08	5.26– 5.78						
10		White, other than Evergreen and narrow grain.	Cream	.29	1.24– 1.34	.26	1.12– 1.22	.23	1.02– 1.12	1.50	6.39– 6.91	1.34	5.78– 6.30	1.19	5.26– 5.78						
11		Evergreen and narrow grain	Cream	.29	1.14– 1.24	.26	1.02– 1.12	.23	.97– 1.07	1.50	5.88– 6.40	1.34	5.26– 5.78	1.19	5.00– 5.52						
12		All varieties	Whole grain	.31	1.33– 1.43	.29	1.20– 1.30	.26	1.12– 1.22	1.58	6.77– 7.27	1.48	6.11– 6.61	1.32	5.70– 6.20	.29	1.31– 1.41	.27	1.19– 1.29	.24	1.11– 1.21
13	4	Golden	Cream	.32	1.23– 1.35	.28	1.12– 1.20	.25	1.04– 1.12	1.65	6.35– 6.97	1.44	5.77– 6.19	1.29	5.37– 5.77						
14		White, other than Evergreen and narrow grain.	Cream	.34	1.23– 1.35	.30	1.12– 1.20	.27	1.04– 1.12	1.75	6.35– 6.97	1.55	5.77– 6.19	1.39	5.37– 5.77						
15		Evergreen and narrow grain	Cream	.34	1.13– 1.25	.30	1.02– 1.10	.27	.99– 1.07	1.75	5.83– 6.45	1.55	5.26– 5.68	1.39	5.10– 5.52						
16		All varieties	Whole grain	.39	1.37– 1.49	.35	1.25– 1.33	.32	1.19– 1.27	1.99	6.96– 7.58	1.78	6.36– 6.76	1.63	6.06– 6.46	.36	1.35– 1.47	.33	1.22– 1.30	.30	1.16– 1.24
17	5	Golden	Cream	.36	1.43– 1.57	.33	1.34– 1.44	.30	1.25– 1.35	1.86	7.38– 8.10	1.70	6.91– 7.43	1.55	6.45– 6.97						
18		White, other than Evergreen and narrow grain.	Cream	.38	1.43– 1.57	.35	1.34– 1.44	.32	1.25– 1.35	1.96	7–38– 8.10	1.81	6.91– 7.43	1.65	6.45– 6.97						
19		Evergreen and narrow grain	Cream	.38	1.33– 1.47	.35	1.24– 1.34	.32	1.20– 1.30	1.96	6.86– 7.58	1.81	6.39– 6.91	1.65	6.19– 6.71						
20		All varieties	Whole grain	.45	1.57– 1.67	.42	1.51– 1.61	.39	1.46– 1.56	2.29	7.99– 8.49	2.14	7.69– 8.19	1.99	7.43– 7.93	.42	1.48– 1.58	.39	1.27– 1.37	.36	1.21– 1.31
21	6	Golden	Cream	.27	1.24– 1.34	.24	1.12– 1.22	.21	1.02– 1.12	1.39	6.39– 6.91	1.24	5.78– 6.30	1.08	5.26– 5.78						
22		White, other than Evergreen and narrow grain.	Cream	.29	1.24– 1.34	.26	1.12– 1.22	.23	1.02– 1.12	1.50	6.39– 6.91	1.34	5.78– 6.30	1.19	5.26– 5.78						
23		Evergreen and narrow grain	Cream	.29	1.14– 1.24	.26	1.02– 1.12	.23	.97– 1.07	1.50	5.88– 6.40	1.34	5.26– 5.78	1.19	5.00– 5.52						
24		All varieties	Whole grain	.31	1.33– 1.43	.29	1.20– 1.30	.26	1.12– 1.22	1.58	6.77– 7.27	1.48	6.11– 6.61	1.32	5.70– 6.20	.29	1.31– 1.41	.27	1.19– 1.29	.24	1.11– 1.21

TABLE 4—SPECIFIC DOLLARS-AND-CENTS MAXIMUM PRICES PER DOZEN CONTAINERS FOR PROCESSORS WHO WERE NOT IN BUSINESS DURING 1941 OR WHO MADE NO SALES OF PACKED SWEET CORN DURING THE BASE PERIOD

Item No.	Area	Variety	Style	No. 2 cans			No. 10 cans			No. 2 vacuum cans		
				Fancy	Extra standard	Standard	Fancy	Extra standard	Standard	Fancy	Extra standard	Standard
1	1	Golden	Cream	$1.28	$1.19	$1.11	$6.60	$6.14	$5.73			
2	1	White, other than evergreen and narrow grain	do	1.28	1.19	1.11	6.60	6.14	5.73			
3	1	Evergreen and narrow grain	do	1.18	1.09	1.06	6.09	5.62	5.47			
4	1	All varieties	Whole grain	1.31	1.25	1.17	6.66	6.36	5.95	$1.24	$1.18	$1.10
5	2	Golden	Cream	1.36	1.22	1.15	7.01	6.29	5.93			
6	2	White, other than evergreen and narrow grain	do	1.36	1.22	1.15	7.01	6.29	5.93			
7	2	Evergreen and Narrow Grain	do	1.26	1.12	1.10	6.50	5.78	5.68			
8	2	All varieties	Whole grain	1.47	1.36	1.29	7.48	6.92	6.56	1.37	1.27	1.20
9	3	Golden	Cream	1.29	1.17	1.07	6.65	6.04	5.52			
10	3	White, other than Evergreen and Narrow Grain.	do	1.29	1.17	1.07	6.65	6.04	5.52			
11	3	Evergreen and Narrow Grain	do	1.19	1.07	1.02	6.14	5.52	5.26			
12	3	All varieties	Whole grain	1.38	1.25	1.17	7.02	6.36	5.95	1.36	1.24	1.16
13	5	Golden	Cream	1.29	1.16	1.08	6.66	5.98	5.57			
14	5	White, other than Evergreen and Narrow Grain.	do	1.29	1.16	1.08	6.66	5.98	5.57			
15	5	Evergreen and Narrow Grain	do	1.19	1.06	1.03	6.14	5.47	5.31			
16	5	All varieties	Whole grain	1.43	1.29	1.23	7.27	6.56	6.26	1.41	1.26	1.20
17	6	Golden	Cream	1.50	1.39	1.30	7.74	7.17	6.71			
18	6	White, other than Evergreen and Narrow Grain.	do	1.50	1.39	1.30	7.74	7.17	6.71			
19	6	Evergreen and Narrow Grain	do	1.40	1.29	1.25	7.22	6.65	6.45			
20	6	All varieties	Whole grain	1.62	1.56	1.51	8.24	7.94	7.68	1.53	1.32	1.26
21	6	Golden	Cream	1.29	1.17	1.07	6.65	6.04	5.52			
22	6	White, other than Evergreen and Narrow Grain.	do	1.29	1.17	1.07	6.65	6.04	5.52			
23	6	Evergreen and Narrow Grain	do	1.19	1.07	1.02	6.14	5.52	5.26			
24	6	All varieties	Whole grain	1.38	1.25	1.17	7.02	6.36	5.95	1.36	1.24	1.16

TABLE 5—CONVERSION FACTORS—METAL CONTAINERS

(Part 1) All Cream Sweet Corn

To convert from a can size in this column	To a can size listed at the head of a column below, multiply by the appropriate conversion factor				
	8 oz.	1 Picnic	No. 303	No. 2	No. 10
8 oz.				1.69	8.72
1 Picnic				1.43	7.38
No. 303				1.12	5.78
No. 2	0.59	0.70	0.89		5.16
No. 10	.11	.14	.17	.19	

(Part 2) All Whole Kernel Corn

To convert from a can size in this column	To a can size listed at the head of a column below, multiply by the appropriate conversion factor					
	8 oz.	1 Picnic	No. 303	No. 2 Vacuum	No. 2	No. 10
8 oz.					1.82	9.26
No. 1 Picnic					1.47	7.48
No. 303					1.15	5.85
12 oz. Vacuum					1.06	5.40
No. 2	0.55	0.68	0.87	0.94		5.09
No. 10	.11	.13	.17	.18	.20	

TABLE 6—CONVERSIONS FROM TIN TO GLASS (DOLLARS PER DOZEN CONTAINERS)

All Sweet Corn

If you can figure a price for a can size in this column—	To get a price for the glass container size at the head of a column below, add the indicated amount
	No. 303
No. 303	$0.15

TABLE 7—GRADE DIFFERENTIALS

In each case in figuring prices based on grade differentials, if the processor has base prices for both a higher and lower grade than the item being priced, he shall use the differential between the item being priced and the lower grade, except that substandard shall not be used as the lower grade. (For example, if the processor has base prices for both fancy and standard grades and now wishes to price extra standard he takes the difference between extra standard and standard)

DIFFERENCES BETWEEN SUCCESSIVE GRADES (PER DOZEN CONTAINERS)

Item No.	Area	Variety	Style	No. 2 cans			No. 10 cans			No. 2 vacuum cans		
				Fancy and extra standard	Extra standard and standard	Standard and substandard	Fancy and extra standard	Extra standard and standard	Standard and substandard	Fancy and extra standard	Extra standard and standard	Standard and substandard
1	1	Golden	Cream	$0.09	$0.08	$0.10	$0.46	$0.41	$0.50			
2	1	White, other than Evergreen & Narrow Grain	Cream	.09	.08	.10	.46	.41	.50			
3	1	Evergreen and Narrow Grain	Cream	.09	.03	.10	.47	.15	.50			
4	1	All Varieties	Whole Grain	.06	.08	.10	.30	.41	.50	$0.06	$0.08	$0.10
5	2	Golden	Cream	.14	.07	.10	.72	.36	.50			
6	2	White, other than Evergreen & Narrow Grain	Cream	.14	.07	.10	.72	.36	.50			
7	2	Evergreen and Narrow Grain	Cream	.14	.02	.10	.72	.10	.50			
8	2	All Varieties	Whole Grain	.11	.07	.10	.56	.36	.50	.10	.07	.10
9	3	Golden	Cream	.12	.10	.10	.61	.52	.50			
10	3	White, other than Evergreen & Narrow Grain	Cream	.12	.10	.10	.61	.52	.50			
11	3	Evergreen and Narrow Grain	Cream	.12	.05	.10	.62	.26	.50			
12	3	All Varieties	Whole Grain	.13	.08	.10	.66	.41	.50	.12	.08	.10
13	4	Golden	Cream	.13	.08	.10	.68	.41	.50			
14	4	White, other than Evergreen & Narrow Grain	Cream	.13	.08	.10	.68	.41	.50			
15	4	Evergreen and Narrow Grain	Cream	.13	.03	.10	.67	.16	.50			
16	4	All Varieties	Whole Grain	.14	.06	.10	.71	.30	.50	.15	.06	.10

TABLE 7—GRADE DIFFERENTIALS—Continued

Item No.	Area	Variety	Style	No. 2 cans			No. 10 cans			No. 2 vacuum cans		
				Fancy and extra standard	Extra standard and standard	Standard and substandard	Fancy and extra standard	Extra standard and standard	Standard and substandard	Fancy and extra standard	Extra standard and standard	Standard and substandard
17	5	Golden	Cream	.11	.09	.10	.57	.46	.50			
18		White, other than Evergreen & Narrow Grain	Cream	.11	.09	.10	.57	.46	.50			
19		Evergreen and Narrow Grain	Cream	.11	.04	.10	.57	.20	.50			
20		All Varieties	Whole Grain	.06	.05	.10	.30	.26	.50	.21	.06	.10
21	6	Golden	Cream	.12	.10	.10	.61	.52	.50			
22		White, other than Evergreen & Narrow Grain	Cream	.12	.10	.10	.61	.52	.50			
23		Evergreen and Narrow Grain	Cream	.12	.05	.10	.62	.26	.50			
24		All Varieties	Whole Grain	.13	.08	.10	.66	.41	.50	.12	.08	.10

TABLE 8—DIRECT SUBSIDY PAYABLE PER DOZEN CONTAINERS

ALL AREAS, VARIETIES, STYLES AND GRADES

Amount of subsidy to be subtracted from gross maximum price per dozen containers in making sales to purchasers other than Government procurement agencies

8 oz.	1 picnic	No. 303	No. 2 vacuum	No. 2	No. 10
$0.05	$0.06	$0.07	$0.06	$0.08	$0.42

[Appendix F added by Am. 9, 9 F.R. 11535, effective 9-18-44]

SEC. 16. *Appendices for packed fruits priced under Pricing Method No. 1.*

APPENDIX A—RED SOUR PITTED CHERRIES

TABLE 1—AREAS

1. New York and Pennsylvania.
2. Michigan, Ohio and Wisconsin.
3. Washington.
4. Montana.
5. Oregon, Idaho and California.
6. Utah and Colorado.
7. All other states.

TABLE 2—BASE PERIOD PRICES (ALL AREAS)

Weighted average selling price for the first 60 days after the beginning of the 1941 pack.

TABLE 3—PERMITTED INCREASES AND PRICE RANGES PER DOZEN CONTAINERS FOR PROCESSORS WHO MADE SALES OF PACKED RED SOUR PITTED CHERRIES DURING THE BASE PERIOD

STANDARD GRADE WATER PACK

Area	No. 2 cans		No. 10 cans	
	Permitted increase	Price range	Permitted increase	Price range
1	$0.53	$1.97-$2.18	$2.70	$10.07-$11.13
2	.72	1.97- 2.18	3.65	10.07- 11.13
3	.48	1.91- 2.15	3.18	10.50- 11.70
4	1.08	2.50- 2.55	5.40	12.78- 13.00
5	.83	2.18- 2.40	4.22	11.11- 12.25
6	.80	2.09- 2.19	4.06	10.67- 11.17
7	.72	1.97- 2.18	3.65	10.07- 11.13

TABLE 4—SPECIFIC DOLLARS-AND-CENTS MAXIMUM PRICES PER DOZEN CONTAINERS FOR PROCESSORS WHO WERE NOT IN BUSINESS DURING 1941 OR WHO MADE NO SALES OF PACKED RSP CHERRIES DURING THE BASE PERIOD.

STANDARD GRADE WATER PACK

Area	No. 2 cans	No. 10 cans
1	$2.08	$10.60
2	2.08	10.60
3	2.03	11.10
4	2.53	12.89
5	2.29	11.68
6	2.14	10.92
7	2.08	10.60

[Tables 3 and 4 amended by Am. 2, 9 F.R. 10194, effective 8-19-44; and Am. 6, 9 F.R. 10709, effective 8-30-44]

TABLE 5—CONVERSION FACTORS—METAL CONTAINERS

To convert from a can size in this column	To a can size listed at the head of a column below, multiply by the appropriate conversion factor:		
	303	2	10
303		1.15	5.90
2	.87		5.10
10	.17	.20	

TABLE 6—GRADE DIFFERENTIALS

Differences between successive grades (per dozen containers)

	No. 303	No. 2	No. 10 can
Fancy and Choice	$0.085	$0.10	$0.50
Choice and Standard	.085	.10	.50
Standard and Substandard	.085	.10	.50

TABLE 7—SYRUP DIFFERENTIALS

For each 10° of syrup (figured on the basis of put-in density) the processor shall add 25 cents to the price per dozen of Standard, Water pack for No. 10 Cans, 5 cents for No. 2 cans and 4 cents for No. 303 cans.

APPENDIX B—APRICOTS

Explanation of how maximum prices for packed apricots are figured. In making conversions for grade, for style of pack, for syrup differential and for container type and size under subparagraph (2), (3) or (4) of section 5 (a) of this supplement, in the case of packed apricots the order in which the steps in figuring the maximum prices are to be taken differs from those specified in the note at the beginning of section 5 (a) (2). In figuring maximum prices for packed apricots under those subparagraphs, steps are to be taken in the order indicated below in all cases, although in many cases not all of the steps are necessary.

In each case where the processor is figuring a maximum price for a grade or style of pack of apricots different from that sold in the base period, he must add the permitted increase for the same grade and same style of pack of apricots as that sold in the base period, before converting for the change in grade or change in style of pack, for the reason that the permitted increases for each grade and style of pack are different.

The term "grade" in Tables 3 and 4 refers to the grade of the fruit and the prices are constructed on fruit packed in syrup of a density which corresponds to the grade of the fruit. If fruit is packed in syrup of a density which does not correspond to the grade of the fruit, the processor must use the syrup differentials in the manner provided in Table 8.

Conversions from metal containers to glass containers must be made in the 1944 prices and not in base period prices. In each case of conversion from metal containers to glass containers, the processor must first construct a maximum price for the item when packed in metal and then add or subtract the appropriate conversion factor named in Table 6, even though he packed the item in glass during the base period.

In figuring prices under subparagraph (2), (3) or (4) of section 5 (a) based on grade differentials the processor shall, whenever he has a base price for choice apricots, use it as the base price from which to figure maximum prices for fancy and standard grades. In other cases he shall use the differential between the item being priced and the nearest grade. The differentials to be used are named in Table 9.

The order in which the steps are to be taken in figuring maximum prices for packed apricots under subparagraph (2), (3) or (4) of section 5 (a) is as follows:

1. Convert for container size.
2. Add the permitted increase specified in Table 3 for the style of pack and grade of packed apricots sold in the base period.
3. Convert for grade.
4. Convert for style of pack.
5. Convert for syrup differential.
6. Apply the limitations of the price range.
7. Convert for grade.
8. Convert for style of pack.
9. Convert for syrup differential.
10. Convert for container type and size.

TABLE 1—AREAS

1. California

[Table 1 amended by Am. 15, 9 F.R. 13631, effective 11-17-44]

TABLE 2—BASE PERIOD PRICES

Weighted average selling price for the first 60 days after the beginning of the 1941 pack.

TABLE 3—PERMITTED INCREASES AND PRICE RANGES PER DOZEN CONTAINERS FOR PROCESSORS OF PACKED APRICOTS WHO MADE SALES DURING THE BASE PERIOD

AREA 1

Style and grade	No. 2½ cans		No. 10 cans	
	Permitted increase	Price ranges	Permitted increase	Price ranges
Halves, unpeeled:				
Fancy	$0.95	$2.81–$2.99	$3.26	$9.55–$10.11
Choice	.84	2.51– 2.67	2.86	8.63– 9.05
Standard	.73	2.15– 2.31	2.51	7.64– 8.08
Seconds	.68	2.04– 2.12		
Water	.64	1.92– 2.00	2.16	6.24– 6.90
Solid pack pie			3.26	8.73– 9.47
Whole, unpeeled:				
Fancy	.74	2.25– 2.45	2.71	7.99– 8.31
Choice	.68	1.99– 2.15	2.34	6.75– 7.35
Standard	.54	1.72– 1.82	2.03	6.11– 6.45
Whole, peeled:				
Fancy	.96	2.71– 2.97	3.47	9.43– 10.01
Choice	.84	2.39– 2.61	3.04	8.23– 9.13
Standard	.72	2.15– 2.27	2.61	7.47– 7.87

[Table 3 amended by Am. 11, 9 F.R. 11901, effective 9–27–44]

TABLE 4—SPECIFIC DOLLARS-AND-CENTS MAXIMUM PRICES PER DOZEN CONTAINERS FOR PROCESSORS WHO WERE NOT IN BUSINESS DURING 1941 OR WHO MADE NO SALES OF PACKED APRICOTS DURING THE BASE PERIOD

AREA 1

Style	No. 2½ cans					No. 10 cans				
	Fancy	Choice	Standard	Seconds	Water	Fancy	Choice	Standard	Water	Solid Pack Pie
Halves, unpeeled	$2.90	$2.59	$2.23	$2.08	$1.96	$9.83	$8.84	$7.86	$6.57	$9.10
Whole, unpeeled	2.35	2.07	1.77			8.15	7.05	6.28		
Whole, peeled	2.84	2.50	2.21			9.72	8.68	7.67		

TABLE 5—CONVERSION FACTORS—METAL CONTAINERS

AREA 1

To convert from a can size in this column	To a can size listed at the head of a column below, multiply by the appropriate conversion factor:			
	No. 1 Tall	No. 2	No. 2½	No. 10
No. 1 Tall			1.61	5.48
No. 2			1.27	4.30
No. 2½	.62	.79	1.00	3.40
No. 10	.18	.23	.29	1.00

TABLE 6—CONVERSION FROM TIN TO GLASS

[Dollars per dozen containers]

If you can figure a price for a can size in this column	To get a price for the glass container size at the head of a column below, add (or subtract) the indicated amount					
	No. 2½ glass			No. 303 glass		
	Halves unpeeled	Whole unpeeled	Whole peeled	Halves unpeeled	Whole unpeeled	Whole peeled
No. 2½ cans	+$0.20	+$0.20	+$0.20	−$0.68	−$0.50	−$0.65

[Table 6 amended by Am. 14, 9 F.R. 13590, effective 11–16–44]

TABLE 7—DIFFERENCES BETWEEN STYLES

AREA 1

[Dollars per dozen containers]

To convert from a style in this column	To a style listed at the head of a column below add (or subtract as indicated) the stated difference—					
	No. 2½ cans			No. 10 cans		
	Halves, unpeeled	Whole, peeled	Whole, unpeeled	Halves, unpeeled	Whole, peeled	Whole, unpeeled
Halves, unpeeled	$0	−$0.07	−$0.57	$0	−$0.11	−$1.72
Whole, peeled	+.07	0	−.48	+.11	0	−1.54
Whole, unpeeled	+.57	+.48	0	+1.72	+1.54	0

TABLE 8—SYRUP DIFFERENTIALS

If you pack fruit in syrup of which the density does not correspond to the grade of the fruit, subtract the amount named below for the grade from the price computed from Table 3 or 4 and add to the resulting figure the amount named for the syrup you do use.

Note: If the change in the packing medium is from syrup to natural juice or water, no amount may be added.

[Above text amended by Am. 20, 10 F.R. 841, effective 1–25–45]

AREA 1

[Dollars per dozen containers]

Syrup	No. 2½ cans			No. 10 cans		
	Halves, unpeeled	Whole, unpeeled	Whole, peeled	Halves, unpeeled	Whole, unpeeled	Whole, peeled
Extra heavy (fancy)	$0.27	$0.31	$0.27	$0.99	$1.03	$0.95
Heavy (choice)	.19	.22	.19	.67	.70	.65
Light (standard)	.11	.12	.11	.39	.41	.38
Slightly sweetened water (substandard)	.04	.04	.04			

The density of the syrup referred to above is defined as follows:

"Extra heavy syrup" means syrup having a cut-out density of 25°–40° Brix.

"Heavy syrup" means syrup having a cut-out density of 21°–25° Brix.

"Light syrup" means syrup having a cut-out density of 16°–21° Brix.

"Slightly sweetened water" means water or natural juice and a sweetening agent having a cut-out density of less than 16° Brix.

[Above definition amended by Am. 20, 10 F.R. 841, effective 1–25–45]

TABLE 9—GRADE DIFFERENTIALS—DIFFERENCES BETWEEN SUCCESSIVE GRADES

AREA 1

[Dollars per dozen containers]

	No. 2½ cans			No. 10 cans		
	Halves, unpeeled	Whole, unpeeled	Whole, peeled	Halves, unpeeled	Whole, unpeeled	Whole, peeled
Fancy and choice	$0.31	$0.28	$0.34	$0.99	$1.10	$1.04
Choice and standard	.36	.30	.29	.98	.77	1.01
Standard and seconds	.15					
Seconds and water	.12					
Standard and water				1.29		
Standard and solid pack pie				1.24		

[Appendix B added by Am. 3, 9 F.R. 10356, effective 8–23–44]

APPENDIX C—SWEET CHERRIES

Explanation of how maximum prices for packed sweet cherries are figured. For packed sweet cherries, conversions for grade, for syrup differential, and for container type and size under subparagraph (2), (3) or (4) of section 5 (a) of this supplement are to be made in the same order and in the same manner as those for packed apricots. The explanation at the beginning of Appendix B of this section applies to this appendix for that purpose, except that since permitted increases are provided for only one style, no conversion is made here for style of pack.

TABLE 1—AREAS

1. California.
2. Washington and Oregon.

[Footnote to Table 1 deleted by Am. 14, 9 F.R. 13590, effective 11-16-44]

TABLE 2—BASE PERIOD PRICES

Weighted average selling price for the first 60 days after the beginning of the 1941 pack

TABLE 3—PERMITTED INCREASES AND PRICE RANGES PER DOZEN CONTAINERS FOR PROCESSORS OF PACKED SWEET CHERRIES WHO MADE SALES DURING THE BASE PERIOD

AREA 1

Style and grade	No. 2½ cans		No. 10 cans	
	Permitted increase	Price ranges	Permitted increase	Price ranges
Light (unpitted)				
Fancy	$1.13	$3.59–$3.89	$4.08	$13.13–$13.25
Choice	1.05	3.39– 3.55	3.79	11.78– 12.34
Standard	.96	3.17– 3.25	3.49	11.11– 11.49
Water			1.72	5.82– 6.62

AREA 2

Style and grade	No. 2½ cans		No. 10 cans	
	Permitted increase	Price ranges	Permitted increase	Price ranges
Light (unpitted):				
Fancy	$1.29	$3.63–$4.01	$4.82	$13.08–$13.22
Choice	1.13	3.39– 3.63	4.20	11.77– 12.77
Standard	1.04	3.07– 3.37	3.89	10.80– 11.56
Water			1.91	6.76– 7.14

[Area 2 added by Am. 14, 9 F.R. 13590, effective 11-16-44]

TABLE 4—SPECIFIC DOLLARS-AND-CENTS MAXIMUM PRICES (PER DOZEN CONTAINERS) FOR PROCESSORS WHO WERE NOT IN BUSINESS DURING 1941 OR WHO MADE NO SALES OF PACKED SWEET CHERRIES DURING THE BASE PERIOD

AREA 1

	No. 2½ cans			No. 10 cans			
	Fancy	Choice	Standard	Fancy	Choice	Standard	Water
Light (unpitted)	$3.74	$3.47	$3.21	$13.19	$12.06	$11.30	$6.22

AREA 2

	No. 2½ cans			No. 10 cans			
	Fancy	Choice	Standard	Fancy	Choice	Standard	Water
Light (unpitted)	$3.82	$3.51	$3.22	$13.15	$12.27	$11.18	$6.95

[Area 2 added by Am. 14, 9 F.R., 13590, effective 11-16-44]

TABLE 5—CONVERSION FACTORS; METAL CONTAINERS

AREA 1

To convert from a can size in this column	To a can size listed at the head of a column below multiply by the appropriate conversion factor				
	8-ounce	No. 1 tall	No. 2	No. 2½	No. 10
8-ounce				2.88	9.80
No. 1 tall				1.71	5.89
No. 2				1.36	4.76
No. 2½	.35	.59	.74		3.45
No. 10	.10	.17	.21	.29	

AREA 2

To convert from a can size in this column	To a can size listed at the head of a column below, multiply by the appropriate conversion factor				
	8-ounce	No. 1 tall	No. 2	No. 2½	No. 10
8-ounce				2.88	9.80
No. 1 tall				1.71	5.77
No. 2				1.36	4.60
No. 2½	.35	.59	.74		3.40
No. 10	.10	.17	.22	.29	

Area 1 amended and Area 2 added by Am. 14, 9 F.R. 13590, effective 11-16-44]

TABLE 6—CONVERSION FROM TIN TO GLASS

[Dollars per dozen containers]

If you can figure a price for a can size in this column	To get a price for a glass container size at the head of a column below, add (or subtract) the indicated amount	
	No. 2½ glass	No. 303 glass
No. 2½	+$0.20	−$0.98

[Table 6 amended by Am. 14]

TABLE 7—SYRUP DIFFERENTIALS

If you pack fruit in syrup of which the density does not correspond to the grade of the fruit, subtract the amount named below for the grade from the price computed from Table 3 or 4 and add to the resulting figure the amount named for the syrup you do use.

Note: If the change in the packing medium is from syrup to natural juice or water, no amount may be added.

[Above text amended by Am. 20, effective 1-25-45]

[Dollars per dozen containers]

Syrup	No. 2½	No. 10
Extra heavy (fancy)	$0.19	$0.71
Heavy (choice)	.14	.51
Light (standard)	.09	.33
Slightly sweetened water (substandard)	.04	

The density of the syrup referred to above is defined as follows:

"Extra heavy syrup" means syrup having a cut-out density of 25°–35° Brix.

"Heavy syrup" means syrup having a cut-out density of 20°–25° Brix.

"Light syrup" means syrup having a cut-out density of 16°–20° Brix.

"Slightly sweetened water" means water or natural juice and a sweetening agent having a cut-out density of less than 16° Brix.

[Above definition amended by Am. 20, effective 1-25-45]

TABLE 8—GRADE DIFFERENTIALS, DIFFERENCES BETWEEN SUCCESSIVE GRADES (DOLLARS PER DOZEN CONTAINERS)

AREA 1

Style and grade	No. 2½ cans	No. 10 cans
Light (unpitted) fancy and choice	$0.27	$1.13
Choice and standard	.26	.76
Standard and water		5.08

AREA 2

Style and grade	No. 2½ cans	No. 10 cans
Light (unpitted):		
Fancy and choice	$0.31	$0.88
Choice and standard	.29	1.09
Standard and water		4.23

[Area 2 added by Am. 14, 9 F.R. 13590, effective 11-16-44]

[Appendix C added by Am. 4, 9 F.R. 10497, effective 8-28-44]

APPENDIX D—YELLOW CLING PEACHES, HALVES, SLICED, QUARTERED, AND DICED

Explanation of how maximum prices are figured for packed yellow cling peaches, halves, sliced, quartered, and diced.

This appendix includes the specific pricing provisions for packed yellow cling peaches, halves, sliced, quartered, and diced, produced in the state of California. It does not apply to these styles of pack of packed yellow cling peaches produced in states other than California, nor does it apply to packed whole or pickled yellow cling peaches produced in any area.

Conversions for grade, for syrup differential, and for container type and size under subparagraph (2), (3) or (4) of section 5 (a) of this supplement are to be made in the same order and in the same manner as those for packed apricots. The explanation at the beginning of Appendix B of this section applies to this appendix for that purpose, except that no conversion is provided here for style of pack.

TABLE 1—AREAS

1. California

TABLE 2—BASE PERIOD PRICES

Weighted average selling price for the first 60 days after the beginning of the 1941 pack.

TABLE 3—PERMITTED INCREASES AND PRICE RANGES PER DOZEN CONTAINERS FOR PROCESSORS WHO MADE SALES OF THE STYLE OF PACK BEING PRICED DURING THE BASE PERIOD

AREA 1

Style and grade	No. 2½ cans		No. 10 cans	
	Permitted increase	Price ranges	Permitted increase	Price ranges
Yellow clings, halves and quartered:				
Fancy	$0.53	$2.52–$2.68	$1.88	$8.41–$8.97
Choice	.48	2.28– 2.40	1.70	7.81– 8.31
Standard	.45	2.06– 2.22	1.53	7.05– 7.49
Seconds	.39	1.93– 2.03	----	----
Water	.38	1.87– 1.95	1.34	5.63– 6.33
Pie	----	----	1.22	6.08– 6.72
Solid pack pie	----	----	1.76	7.36– 7.88
Yellow clings, sliced:				
Fancy	.55	2.52– 2.68	1.90	8.51– 8.79
Choice	.52	2.32– 2.44	1.80	7.95– 8.35
Standard	.47	2.12– 2.24	1.63	7.22– 7.66
Seconds	.40	1.98– 2.04	----	----
Water	.41	1.90– 2.00	1.44	5.78– 6.44
Pie	----	----	1.34	6.23– 6.59
Solid pack pie	----	----	1.98	7.43– 8.19

For any grade of yellow cling peaches, diced, packed in No. 2½ or No. 10 cans:

The permitted increase is the same amount as that named above for the same grade and container type and size of yellow cling peaches, halves and quartered; and

The processor shall figure the limitations of the price range by adding $0.06, in the case of No. 2½ cans, or $0.20, in the case of No. 10 cans, to the bottom and top respectively of the price range named above for the same grade and container type and size of yellow cling peaches, halves and quartered.

TABLE 4—SPECIFIC DOLLARS-AND-CENTS MAXIMUM PRICES PER DOZEN CONTAINERS FOR PROCESSORS WHO WERE NOT IN BUSINESS DURING 1941 OR WHO MADE NO SALES OF THE STYLE OF PACK BEING PRICED DURING THE BASE PERIOD

AREA 1

Style	No. 2½ cans					No. 10 cans					
	Fancy	Choice	Standard	Seconds	Water	Fancy	Choice	Standard	Water	Pie	Solid pack pie
Yellow clings, halves and quartered	$2.60	$2.34	$2.14	$1.98	$1.91	$8.69	$8.06	$7.27	$5.98	$6.40	$7.62
Yellow clings, sliced	2.60	2.38	2.18	2.01	1.95	8.65	8.15	7.44	6.11	6.41	7.81

For any grade of yellow cling peaches, diced, packed in No. 2½ or No. 10 cans, the dollars-and-cents maximum price (for processors who were not in business during 1941 or who made no sales of packed yellow cling peaches, diced, during the base period) shall be the price named above for the same grade and container type and size of yellow cling peaches, halves and quartered, plus $0.06, in the case of No. 2½ cans, or plus $0.20, in the case of No. 10 cans.

TABLE 5—CONVERSION FACTORS—METAL CONTAINERS

To convert from a can size in this column	To a can size listed at the head of a column below multiply by the appropriate conversion factor				
	8-ounce	No. 1 tall	No. 2	No. 2½	No. 10
8-ounce	----	----	----	2.58	8.67
No. 1 tall	----	----	----	1.54	5.18
No. 2	----	----	----	1.31	4.40
No. 2½	.39	.65	.76	----	3.36
No. 10	.12	.20	.23	.30	----

TABLE 6—CONVERSION FROM TIN TO GLASS

[Dollars per dozen containers]

If you can figure a price for a can size in this column—	To get a price for the glass container size at the head of a column below, add (or subtract) the indicated amount	
	No. 2½ glass	No. 303 glass
No. 2½	+$0.20	−$0.60

[Table 6 amended by Am. 14, 9 F.R. 13590, effective 11–16–44]

TABLE 7—SYRUP DIFFERENTIALS

AREA 1

[Dollars per dozen containers]

Syrup	No. 2½ cans	No. 10 cans
Extra heavy (Fancy)	$0.27	$1.02
Heavy (Choice)	.18	.68
Light (Standard)	.10	.40
Slightly sweetened water (Seconds)	.04	----

If you pack fruit in syrup of which the density does not correspond to the grade of the fruit, subtract the amount named below for the grade from the price computed from Table 3 or 4 and add to the resulting figure the amount named for the syrup you do use.

Note: If the change in the packing medium is from syrup to natural juice or water, no amount may be added.

[Above paragraph amended by Am. 20, 10 F.R. 841, effective 1–25–45]

The density of the syrup referred to above is defined as follows:

"Extra heavy syrup" means syrup having a cut-out density of 24°–35° Brix.

"Heavy syrup" means syrup having a cut-out density of 19°–24° Brix.

"Light syrup" means syrup having a cut-out density of 14°–19° Brix.

"Slightly sweetened water" means water or natural juice and a sweetening agent having a cut-out density of less than 14° Brix.

[Above definition amended by Am. 20, effective 1–25–45]

TABLE 8—GRADE DIFFERENTIALS

AREA 1

[Differences between successive grades (dollars per dozen containers)]

	No. 2½ cans		No. 10 cans	
	Halves, quartered, and diced	Sliced	Halves, quartered, and diced	Sliced
Fancy and choice	$0.26	$0.22	$0.63	$0.50
Choice and standard	.20	.20	.79	.71
Standard and seconds	.16	.17	----	----
Standard and water	.23	.23	1.29	1.33
Standard and pie	----	----	.87	1.03
Standard and solid pack pie	----	----	.35	.37

[Appendix D added by Am. 5, 9 F.R. 10630, effective 8–29–44]

APPENDIX E—BARTLETT PEARS, HALVES (PEELED), QUARTERS (PEELED), AND DICED

Explanation of how maximum prices are figured for packed Bartlett pears, halves (peeled), quarters (peeled), and diced. This appendix includes the specific pricing provisions for packed Bartlett pears, halves (peeled), quarters (peeled), and diced, produced in the state of California, and for packed Bartlett pears, halves (peeled), in

the states of Washington and Oregon. It does not apply to any of these styles of pack of Bartlett pears produced in states other than California, Washington and Oregon, to any style of pack of Bartlett pears other than halves (peeled) produced in the latter two states, nor to packed spiced, whole or pickled pears, or Bartlett pear compote, produced in any area.

[Above paragraph amended by Am. 14, 9 F.R. 13590, effective 11-16-44]

Conversions for grade, for syrup differential, and for container type and size under subparagraph (2), (3) or (4) of section 5 (a) of this supplement are to be made in the same order and in the same manner as those for packed apricots. The explanation at the beginning of Appendix B of this section applies to this appendix for that purpose.

How conversions are made for style of pack of Bartlett pears, halves (peeled), quarters (peeled), and diced, produced in California only.

The provisions of this paragraph apply only to conversions for the designated styles of pack of Bartlett pears produced in California.

[Heading amended and above sentence added by Am. 14]

A processor who during the base period sold Bartlett pears, halves (peeled), or quarters (peeled), but did not sell Bartlett pears, diced, and is now pricing the latter style, must convert for style of pack by adding to his constructed price $.06 per dozen, in the case of No. 2½ cans, or $.20 per dozen in the case of No. 10 cans. Similarly, a processor who during the base period sold Bartlett pears, diced, but did not sell Bartlett pears, halves (peeled), or quarters (peeled), and is now pricing one of the latter styles, must convert for style of pack by subtracting from his constructed price $.06 per dozen, in the case of No. 2½ cans, or $.20 per dozen, in the case of No. 10 cans. In either case this is done after application of the limitations of the price range to the constructed price and conversion for grade (see step 8 in the explanation at the beginning of Appendix B).

TABLE 1—AREAS

1. California.
2. Washington and Oregon.

[Table 1 amended by Am. 14]

TABLE 2—BASE PERIOD PRICES

Weighted average selling price for the first 60 days after the beginning of the 1941 pack.

TABLE 3—PERMITTED INCREASES AND PRICE RANGES PER DOZEN CONTAINERS FOR PROCESSORS OF PACKED BARTLETT PEARS WHO MADE SALES DURING THE BASE PERIOD

AREA 1

Style and grade	No. 2½ cans		No. 10 cans	
	Permitted increase	Price ranges	Permitted increase	Price ranges
Bartlett pears, halves (peeled), and quarters (peeled):				
Fancy	$1.00	$3.22–$3.44	$3.62	$11.27–$11.55
Choice	.90	2.90– 3.68	3.24	10.16– 10.42
Standard	.81	2.61– 2.77	2.92	9.18– 9.40
Seconds	.66	2.32– 2.38		
Water			2.41	6.88– 7.56
Pie			1.58	5.43– 5.61
Solid Pack Pie			2.34	7.75– 7.93

For any grade of Bartlett pears, diced, packed in No. 2½ or No. 10 cans:

The permitted increase is the same amount as that named above for the same grade and container type and size of Bartlett pears, halves (peeled) and quarters (peeled); and

The processor shall figure the limitations of the price range by adding $.06, in the case of No. 2½ cans, or $.20, in the case of No. 10 cans, to the bottom and top respectively of the price range named above for the same grade and container type of Bartlett pears, halves (peeled) and quarters (peeled).

AREA 2

Style and grade	No. 2½ cans		No. 10 cans	
	Permitted increase	Price ranges	Permitted increase	Price ranges
Bartlett pears, halves (peeled):				
Fancy	$0.89	$3.14–$3.34	$3.33	$10.85–$11.13
Choice	.83	2.89– 3.05	3.11	9.91– 10.15
Standard	.73	2.62– 2.74	2.74	9.03– 9.21
Seconds	.65	2.29– 2.37		
Water			2.26	6.94– 7.04
Pie			1.50	5.33– 5.47
Solid Pack Pie			1.87	7.25– 7.39

[Area 2 added by Am. 14, 9 F.R. 13590, effective 11-16-43]

TABLE 4—SPECIFIC DOLLARS-AND-CENTS MAXIMUM PRICES FOR PROCESSORS WHO WERE NOT IN BUSINESS DURING 1941 OR WHO MADE NO SALES OF THE NAMED STYLES OF BARTLETT PEARS DURING THE BASE PERIOD

AREA 1

Style	No. 2½ cans				No. 10 cans					
	Fancy	Choice	Standard	Seconds	Fancy	Choice	Standard	Water	Pie	Solid pack pie
Bartlett pears, halves (peeled) and quarters (peeled)	$3.33	$2.99	$2.69	$2.35	$11.41	$10.29	$9.29	$7.22	$5.52	$7.84

For any grade of Bartlett pears, diced, packed in No. 2½ or No. 10 cans, the dollars-and-cents maximum price (for processors who were not in business during 1941 or who made no sales of Bartlett pears during the base period) shall be the price named above for the same grade and container type and size of Bartlett pears, halves (peeled) and quarters (peeled), plus $.06, in the case of No. 2½ cans, or plus $.20, in the case of No. 10 cans.

AREA 2

Style	No. 2½ cans				No. 10 cans					
	Fancy	Choice	Standard	Seconds	Fancy	Choice	Standard	Water	Pie	Solid pack pie
Bartlett pears halves (peeled)	$3.24	$2.97	$2.68	$2.33	$10.99	$10.03	$9.12	$6.90	$5.40	$7.32

[Area 2 added by Am. 14]

TABLE 5—CONVERSION FACTORS—METAL CONTAINERS

AREA 1

To convert from a can size in this column	To a can size listed at the head of a column below, multiply by the appropriate conversion factor				
	8 oz.	No. 1 tall	No. 2	No. 2½	No. 10
8 oz.				2.79	9.37
No. 1 tall				1.63	5.48
No. 2				1.34	4.50
No. 2½	.36	.61	.74		3.36
No. 10	.11	.18	.22	.30	

[Above table designated Area 1 and Area 2 added by Am. 14]

AREA 2

To convert from a can size in this column	To a can listed at the head of a column below multiply by the appropriate conversion factor				
	8-ounce	No. 1 tall	No. 2	No. 2½	No. 10
8-ounce				2.77	9.14
No. 1 tall				1.64	5.39
No. 2				1.35	4.45
No. 2½	0.36	0.61	0.74		3.29
No. 10	.11	.19	.22	.31	

TABLE 6—CONVERSION FROM TIN TO GLASS

[Dollars per dozen containers]

If you can figure a price for a can size in this column	To get a price for the glass container size at the head of a column below, add (or subtract) the indicated amount	
	No. 2½ glass	No. 303 glass
No. 2½ cans	+$0.20	−$0.82

[Table 6 amended by Am. 14]

TABLE 7—SYRUP DIFFERENTIALS

If you pack fruit in syrup of which the density does not correspond to the grade of the fruit, subtract the amount named below for the grade from the price computed from Table 3 or 4 and add to the resulting figure the amount named for the syrup you do use.

Note: If the change in the packing medium is from syrup to natural juice or water, no amount may be added.

[Above paragraph amended by Am. 20, 10 F.R. 841, effective 1–25–45]

AREA 1

[Dollars per dozen containers]

Syrup	No. 2½ cans	No. 10 cans
Extra heavy (fancy)	$0.21	$0.78
Heavy (choice)	.15	.56
Light (standard)	.10	.35
Slightly sweetened water (seconds)	.04	------

The density of the syrup referred to above is defined as follows:

"Extra heavy syrup" means syrup having a cut-out density of 22°–35° Brix.

"Heavy syrup" means syrup having a cut-out density of 18°–22° Brix.

"Light syrup" means syrup having a cut-out density of 14°–18° Brix.

"Slightly sweetened water" means water or natural juice and a sweetening agent having a cut-out density of less than 14° Brix.

[Above definition amended by Am. 20, effective 1–25–45]

TABLE 8—GRADE DIFFERENTIALS

DIFFERENCES BETWEEN SUCCESSIVE GRADES

[Dollars per dozen containers]

AREA 1

Style and grade	No. 2½ cans	No. 10 cans
Bartlett pears, halves (peeled), quarters (peeled), and diced:		
Fancy and Choice	$0.34	$1.12
Choice and Standard	.30	1.00
Standard and Seconds	.34	------
Standard and Water	------	2.07
Standard and Pie	------	3.77
Standard and Solid Pack Pie	------	1.45

AREA 2

Style and grade	No. 2½ cans	No. 10 cans
Bartlett pears, halves (peeled):		
Fancy and choice	$0.27	$0.96
Choice and standard	.29	.91
Standards and seconds	.35	------
Standard and water	------	2.13
Standard and pie	------	3.72
Standard and solid pack pie	------	1.80

[Area 2 added by Am. 14]

[Appendix E added by Am. 10, 9 F.R. 11793, effective 9–25–44]

APPENDIX F—FRUIT COCKTAIL

Explanation of how maximum prices for packed fruit cocktail are figured. This appendix includes specific pricing provisions for packed fruit cocktail produced in the state of California.

Conversions for grade, for syrup differential, and for container type and size under subparagraph (2), (3) or (4) of section 5 (a) of this supplement are to be made in the same order and in the same manner as those for packed apricots. The explanation at the beginning of Appendix B of this section applies to this appendix for that purpose, except that no conversion is provided for style of pack.

TABLE 1—AREAS

1. California.

TABLE 2—BASE PERIOD PRICES

Weighted average selling price for the first 60 days after the beginning of the 1941 pack.

TABLE 3—PERMITTED INCREASES AND PRICE RANGES PER DOZEN CONTAINERS FOR PROCESSORS OF PACKED FRUIT COCKTAIL WHO MADE SALES DURING THE BASE PERIOD

AREA 1

Grade	No. 1 tall cans		No. 2½ cans		No. 10 cans	
	Permitted increases	Price ranges	Permitted increases	Price ranges	Permitted increases	Price ranges
Fancy	$0.58	$1.88–$1.88	$0.92	$3.12–$3.20	$3.80	$11.55–$11.55
Choice	.55	1.75– 1.81	.87	2.99– 3.05	3.59	10.72– 10.98
Standard	.41	1.51– 1.57	.64	2.52– 2.58	2.64	9.44– 9.68

TABLE 4—SPECIFIC DOLLARS-AND-CENTS MAXIMUM PRICES PER DOZEN CONTAINERS FOR PROCESSORS WHO WERE NOT IN BUSINESS DURING 1941 OR WHO MADE NO SALES OF PACKED FRUIT COCKTAIL DURING THE BASE PERIOD

AREA 1

Grade	No. 1 tall cans	No. 2½ cans	No. 10 cans
Fancy	$1.88	$3.16	$11.55
Choice	1.78	3.02	10.85
Standard	1.54	2.55	9.56

TABLE 5—CONVERSION FACTORS—METAL CONTAINERS

AREA 1

To convert from a can size in this column	To a can size listed at the head of a column below, multiply by the appropriate conversion factor				
	8 ounces	No. 1 tall	No. 2	No. 2½	No. 10
8 ounces	------	1.62	------	2.87	9.73
No. 1 tall	.60	------	1.25	1.72	5.83
No. 2	------	.80	------	1.38	4.68
No. 2½	.35	.58	.72	------	3.39
No. 10	.10	.17	.21	.30	------

TABLE 6—CONVERSION FROM TIN TO GLASS

[Dollars per dozen containers]

If you can figure a price for a can size in this column	To get a price for the glass container size at the head of a column below, add (or subtract) the indicated amount	
	No. 2½ glass	No. 303 glass
No. 2½ cans	+$0.20	−$0.83

[Table 6 amended by Am. 14, 9 F.R. 13590, effective 11–16–44]

TABLE 7—SYRUP DIFFERENTIALS

If you pack fruit in syrup of which the density does not correspond to the grade of the fruit, subtract the amount named below for the grade from the price computed from Table 3 or 4 and add to the resulting figure the amount named for the syrup you do use. Note: If the change in the packing medium is from syrup to natural juice or water, no amount may be added.

[Above paragraph amended by Am. 20, 10 F.R. 841, effective 1–25–45]

AREA

[Dollars per dozen containers]

Grade	No. 1 tall cans	No. 2½ cans	No. 10 cans
Extra heavy (fancy)	$0.11	$0.21	$0.67
Heavy (choice)	.08	.15	.48
Light (standard)	.05	.10	.31

The density of the syrup referred to above is defined as follows:

"Extra heavy syrup" means syrup having a cut-out density of 22°–35° Brix.

"Heavy syrup" means syrup having a cut-out density of 18°–22° Brix.

"Light syrup" means syrup having a cut-out density of 14°–18° Brix.

TABLE 8—GRADE DIFFERENTIALS

Differences between successive grades (dollars per dozen containers)

AREA 1

Grade	No. 1 tall cans	No. 2½ cans	No. 10 cans
Fancy and choice	$0.10	$0.14	$0.70
Choice and standard	.24	.47	1.29

[Appendix F added by Am. 12, 9 F.R. 12125, effective 10–4–44]

Effective date. This supplement shall become effective July 31, 1944. [Supplement 7 to FPR 1 originally issued July 31, 1944]

[Effective dates of amendments are shown in notes following the parts amended]

NOTE: All record-keeping and reporting requirements of this supplement have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

Issued this 12th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–2438; Filed, Feb. 12, 1945; 11:25 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 30,[1] Amdt. 10]

WASTEPAPER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 30 is amended in the following respects:

Section 1347.14, Appendix A (e) (2) is amended to read as follows:

(2) *Loading charge.* If there is no rail siding at the point of shipment, and the wastepaper is transported to and loaded on a freight car at the expense of the seller for transportation to the consumer, the seller may add to the maximum price an amount not in excess of $1.00 per short ton for such transportation and loading.

Similarly, if there is no barge dock at the point of shipment, and the wastepaper is transported and loaded on a barge at the expense of the seller for transportation to the consumer, the seller may add to the maximum price an amount not in excess of $1.00 per short ton for such transportation and loading.

No loading charge may be added under any circumstances, if either the point of shipment or the track or barge dock at which the wastepaper is loaded is within the limits of the railway switching district of Chicago, Illinois.

This amendment shall become effective February 17, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2439; Filed, Feb. 12, 1945; 11:26 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 459,[2] Amdt. 4]

GUMMED KRAFT SEALING TAPE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 459 is amended in the following respect:

In Appendix A, paragraph (h) is amended to read as follows:

(h) *Differentials for printing.* (1) In those cases where it was the established practice of the manufacturer during the period July 1 to October 15, 1941, inclusive, to add differentials for printing, he may add differentials for such services to the maximum prices established by Appendix A. Such differentials shall not exceed the customary differentials employed by the manufacturer during the period July 1 to October 25, 1941, inclusive.

(2) Where, during the period July 1 to October 15, 1941, inclusive, a manufacturer did not engage in the practice of printing the commodities covered by this regulation, and where such manufacturer now prints these commodities, he may add differentials to the maximum prices established by Appendix A not in excess of the differentials for the same services established under (1) above by a closely competitive seller.

Within ten (10) days after determining such differentials for printing, the manufacturer shall report the differentials to the Office of Price Administration, Washington, D. C., together with a statement setting forth the name and address of the competitive seller whose differentials are being employed. The differentials so reported shall be subject to disapproval or adjustment at any time by the Office of Price Administration.

This amendment shall become effective February 17, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 12th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2445; Filed, Feb. 12, 1945; 11:28 a. m.]

PART 1367—FERTILIZERS

[RMPR 240, Amdt. 1]

PHOSPHATE ROCK

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 240 is amended in the following respects:

1. Section 3 is amended to read as follows:

SEC. 3. *Evasion.* No person shall evade directly or indirectly the maximum prices established by this regulation, whether by commission, service, transportation or other charge or discount, premium or other privilege; by tying agreement or other trade understanding; by changing a previous business practice, or in any other way.

2. Section 4 (b) is amended to read as follows:

(b) Persons affected by this regulation shall submit such reports to the Office of Price Administration as it may from time to time require, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

3. Appendix B is amended to read as follows:

APPENDIX B—MAXIMUM PRICES FOR TENNESSEE BROWN PHOSPHATE ROCK

The miner may charge any person for Tennessee brown phosphate rock upon the terms and conditions, and for the grades and descriptions, the prices, all as set forth in the following schedule:

1. *Unground phosphate rock:*

Size. Run of mine in carload lots—washed, dried and unground.

Price. Basis gross ton (2,240 lbs.) f. o. b. cars at mines.

Quality. Bone phosphate of lime (B. P. L.) on a dry basis combined oxide of iron and alumina (I. & A. determined separately on a dry basis) adjusted basis 2 units B. P. L. for 1 unit I. & A. and not more than 3% moisture.

Grades:

68/66% B. P. L. 6% I. & A.—$4.60 basis 68% B. P. L., 12½¢ per unit rise to 70% maximum and 15¢ per unit fall to 66% minimum, fractions in proportion; I. & A. basis 6% with 2 units B. P. L. for 1 unit I. & A., fractions in proportion, added when below or deducted when above.

70/68% B. P. L. 5½% I. & A.—$5.10 basis 70% B. P. L., 15¢ per unit rise to 72% maximum and 20¢ per unit fall to 68% minimum, fractions in proportion; I. & A. basis 5½% with 2 units B. P. L. for 1 unit I. & A., fractions in proportion, added when below or deducted when above.

72/70% B. P. L. 5½% I. & A.—$5.60 basis 72% B. P. L., 20¢ per unit rise to 75% maximum and 25¢ per unit fall to 70% minimum, fractions in proportion; I. & A. basis 5½% with 2 units B. P. L. for 1 unit I. & A., fractions in proportion, added when below or deducted when above.

Lump rock. Add 50¢ per gross ton for screened lump rock of not more than 8% moisture, and with no adjustment for I. & A.

Wet rock. Deduct 50¢ per gross ton for wet rock not dried.

Calcining. Add $1.00 per gross ton for calcining basis 1500° Fahrenheit plus 5¢ per gross ton for each even 100° Fahrenheit above 1500° or less 5¢ per gross ton for each 100° below 1500° guaranteed.

Grinding. Add 52½¢ per gross ton for grinding 48 to 52% minus 200 mesh. Add 70¢ per gross ton for grinding 58 to 62% minus 200 mesh.

Car door boards. Add $2.50 per car for boarding up car doors.

Lining cars. Add 75¢ per car for paper lining doors. Add $1.75 per car for paper lining car.

2. *Finely ground phosphate rock:*

Price. Basis net ton (2,000 lbs.) f. o. b. cars at mines in car load lots in bulk.

Quality. Phosphorus pentoxide (P_2O_5) on a dry basis minimum grade guaranteed and not more than 3% moisture, no adjustment for excess grade or I. & A.

Ground 90 to 95% minus 200 mesh or 80 to 85% minus 300 mesh.

Grades:

29% P_2O_5—$4.75 per net ton basis 29% P_2O_5 minimum.

30% P_2O_5—$4.95 per net ton basis 30% P_2O_5 minimum.

31% P_2O_5—$5.05 per net ton basis 31% P_2O_5 minimum.

32% P_2O_5—$5.30 per net ton basis 32% P_2O_5 minimum.

33% P_2O_5—$5.80 per net ton basis 33% P_2O_5 minimum.

No charge for car liners or car door boards.

Add 30¢ per net ton for bagging in valve bags which purchaser provides.

Add 30¢ per net ton for truck load shipments in bulk.

Add $2.00 per net ton for bagging in 100-pound multi-wall paper bags.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9732; 8 F.R. 3845, 6109, 7350, 7821, 7199, 13049, 17483; 9 F.R. 6107, 8056, 11108.

[2] 8 F.R. 11807, 13498.

Car bulkheads. Add $2.00 per car for installing wooden bulkheads to separate bagged rock from unbagged rock only at buyer's request.

This amendment shall become effective February 17, 1945.

Issued this 12th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2443; Filed, Feb. 12, 1945; 11:27 a. m.]

PART 1382—HARDWOOD LUMBER

[RMPR 97,[1] Amdt. 15]

SOUTHERN HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 97 is amended in the following respects:

1. The first undesignated paragraph of § 1382.113 is amended to read as follows:

§ 1382.113 *Appendix B: Maximum prices for hardwood lumber sold by "small mills".* A "small mill" for the purpose of this section means only a mill in the Southern hardwood lumber region which produced, during no consecutive twelve-month period since October 1941, more than one and a half million feet of hardwood lumber or more than four million feet of softwood and hardwood lumber combined.

A "small mill" may sell on grade according to the provisions of the other sections of the regulation if it is willing to take full responsibility for the accuracy of its grading and if it does not wish to sell according to the provisions of this section.

2. Section 1382.113, paragraph (b) (1) is amended by adding the following parenthetical sentence: "(Note: Any mill which sells graded hardwood lumber on its own inspection may, of course, sell graded hardwood lumber on NHLA inspection.)"

3. Section 1382.113, paragraph (b) (2) (ii) is amended to read as follows:

(ii) *Maximum prices.* The maximum prices for this type of sale shall be the applicable maximum prices established in this regulation for the particular species, grades, and thicknesses of hardwood lumber, less 5%. Buyer's inspection on truck or rail shipments may be made at either the point of origin or at destination.

4. Section 1382.113, paragraph (e) (1) is amended to read as follows:

(e) *Records.* (1) The buyer shall furnish the seller a true copy of the inspection report and both the seller and the buyer shall maintain adequate records of each sale or purchase of hardwood lumber on buyer's inspection for a period of at least two years or for the duration of the Emergency Price Control Act of 1942, as amended, whichever is shorter. These records must show the buyer's authorization number, the name of the seller and of the buyer, the date of sale, the footage of each species, grade and thickness of hardwood lumber, the moisture condition (whether green, air-dried, or kiln-dried), the itemized prices received and paid therefor and a statement from the seller that he is qualified to sell on buyer's inspection under this section.

5. Section 1382.113 paragraph (f) is amended to read as follows:

(f) *Registration of sellers.* Within 30 days from February 17, 1945, or, in the case of new sellers, within 30 days of the first sale under this section, every mill which does not sell its hardwood lumber on grade on its own inspection, must file a statement with the Lumber Branch of the Office of Price Administration, Washington 25, D. C., indicating which type of sales it will make under this § 1382.113. Any change in selling method thereafter made must be approved in writing by the Administrator upon application for approval of such change made to the Lumber Branch of the Office of Price Administration, Washington 25, D. C.

6. Section 1382.113, paragraph (g) (3) is amended to read as follows:

(3) Sales of ungraded hardwood lumber or graded hardwood lumber on his own inspection by a seller who has been selling graded hardwood lumber on buyer's inspection.

7. Section 1382.113, paragraph (g) is amended by including after sub-paragraph (5) a new sub-paragraph (6) to read as follows:

(6) Sales of ungraded hardwood lumber by a seller who has been selling graded hardwood lumber.

8. Section 1382.113 (h) is amended to read as follows:

(h) *Delivery.* The maximum prices of hardwood lumber under paragraph (a) in this section include loading on rail cars within 30 miles or delivery for 30 miles or less. Where delivery or car loading is over 30 miles, a charge of 10 cents per 1,000 feet board measure for each mile over 30 and up to 100 miles may be made, with no addition for the return trip. For example, if delivery is made for 50 miles, a delivery charge of $2 per 1,000 feet board measure may be added. If delivery is over 100 miles, the charge to be added may be only the carload rail freight for the whole distance from the nearest rail loading-out point to destination.

If the seller does not load the lumber on rail cars or provide delivery within 30 miles, or if it is necessary for the buyer to incur any delivery or loading expense within the 30 miles (except rail freight), the prices for hardwood lumber must be reduced by $2.50 per 1,000 feet board measure. Maximum delivery charges on sales made under paragraph (b) of this section shall be the charges set forth in § 1382.103.

This amendment shall become effective February 17, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 12th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2440; Filed, Feb. 12, 1945; 11:26 a. m.]

PART 1389—APPAREL

[MPR 570,[1] Amdt. 1]

WOMEN'S, MISSES' AND CHILDREN'S UNDERWEAR, NIGHTWEAR AND NEGLIGEE GARMENTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 570 is amended in the following respects:

1. Section 16 (d) (1) is amended to read as follows:

(1) A manufacturer may, at his option, deliver prior to March 17, 1945, at prices no higher than the maximum prices established under the General Maximum Price Regulation, any garments which were put into process on or before February 10, 1945, out of materials on hand or in transit on January 22, 1945.

2. Section 16 (e) is added to read as follows:

(e) *Maximum Price Regulation 547.*[2] Maximum Price Regulation 547 shall apply, and this regulation shall not apply, to sales or deliveries for which maximum prices are established by Maximum Price Regulation 547.

This amendment shall become effective February 10, 1945.

Issued this 10th day of February 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-2420; Filed, Feb. 10, 1945; 4:38 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMPR 183, Amdt. 67]

GROCERY ITEMS IN PUERTO RICO

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 183 is amended in the following respects:

1. Section 20—Table 3 is amended by deleting "Canned figs, Delphia, Libby"; by adding "Canned figs, Kadota, Libby"; by deleting the price "to wholesaler" of

*Copies may be obtained from the Office of Price Administration.

[1] 9 F.R. 5223; 10 F.R. 595.

[1] 10 F.R. 655.

[2] 9 F.R. 7701, 10875.

Pears Bartlett (halves) "Exquisite" brand; and by changing the prices and deleting the price "to wholesaler" of Peaches for Pie "Soquel" brand to read as follows:

Items and brand names	Unit: case of—	Price at wholesale	Price at retail (per unit)
Canned figs, Kadota, Libby.	24/#2½ can	$7.65	$0.40
Canned peaches, for pie, Soquel.	24/#2½ can	5.60	.29

2. Section 24—Table 8 is amended by revising the prices and deleting the price "to wholesaler" of the following item to read as follows:

Item and brand name	Unit, case of—	Price at wholesale	Price at retail (per unit)
Tomato Puree S & W	6/#10 can	$5.30	$1.12

3. Section 28 (a) is amended in the following respects:

a. Subparagraph (5) is redesignated (6), and a new subparagraph (5) is added to read as follows:

(5) "Roasted ground coffee" means roasted coffee which has been ground.

b. Table 13 is amended to read as follows:

TABLE 13—MAXIMUM PRICES FOR COFFEE

	To wholesalers	At wholesale and to roasters and to retailers	At retail (per lb.)
Dried parchment coffee	$23.70—122 lbs.	$24.70—122 lbs.	$0.28
Green coffee	24.00—100 lbs.	25.00—100 lbs.	
Roasted coffee, or roasted ground coffee in containers in excess of one pound.		35.40—100 lbs.	.40
In containers of one pound or less		36.00—100 lbs.	.40

4. Section 40—Table 29 is amended by eliminating the item "Edam Cheese 40% fat" and by revising the prices of Edam Cheese 20% fat and adding the words "or more" after fat, to read as follows:

Item and brand name	Price at wholesale	Price at retail
Edam cheese 20 percent fat or more.	$0.405 lb.	$0.52 lb.

5. Section 42—Table 33m is amended by changing the prices of Heinz Sweet Relish and by changing the size of the container in another item to read as follows:

Items and brand names	Unit, case of—	Price at wholesale	Price at retail (per unit)
Heinz:			
Sweet relish	4/#10 jar	$6.15	$2.00
Sour pickles	12/23 oz. jar	4.35	.47

This amendment shall become effective February 17, 1945.

Issued this 12th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2441; Filed, Feb. 12, 1945; 11:27 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373, Amdt. 125]

MULTIPLE WHOLESALING IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 373 is amended in the following respects:

1. Section 41a (k) is amended by changing the first sentence thereof to read as follows:

(k) *Multiple wholesaling.* Except as otherwise provided in subparagraph (1) of this paragraph (k), the maximum price for any wholesaler other than the primary wholesaler of any grocery items covered by this section shall be the maximum price of the primary wholesaler in the Territory of Hawaii.

2. Section 41a, Table A, paragraph (c) is amended to read as follows:

(c) *Specific markups for sales to buyers other than retail grocery stores or other wholesalers.* In the case that a wholesaler makes his sale of any grocery item listed in paragraph (b) of this table to a buyer other than a retail grocery store or another wholesaler he may add to the maximum wholesale price, computed in accordance with the provisions of said paragraph (b), an amount equal to 5% of such maximum wholesale price.

3. Section 41a, Table B, paragraph (c) is amended to read as follows:

(c) *Sales to buyers other than retail grocery stores or other wholesalers.* In case the wholesaler makes a sale to a buyer other than a retail grocery store or another wholesaler, the wholesaler shall deduct .05 from all division factors set forth in paragraph (b) of this table, except in the case of sales of shortening and lard where the wholesaler shall deduct .01 from the applicable division factor. However, no such deduction shall be made for the grocery items contained in commodity classification numbers 12, 19, 29, 30, and 41 except shelf sizes of baking powder and soda, contained in commodity classification number 30.

This amendment shall become effective as of February 1, 1945.

Issued this 12th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2444; Filed, Feb. 12, 1945; 11:27 a. m.]

PART 1420—BREWERY, DISTILLERY AND WINERY PRODUCTS

[MPR 445,[1] Amdt. 22]

DISTILLED SPIRITS AND WINES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 445 is amended in the following respects:

1. Section 4.2 (a) (3) (i) is amended to read as follows:

(i) Bulk or packaged varietal, vintage or sacramental altar domestic wines, and other bulk or packaged domestic wine for which no prescribed uniform maximum price is provided in this article.

2. Subdivision (i) of paragraph (f) (1) of Appendix BB is amended to read as follows:

(i) The appropriate amount per case set forth in the applicable table for the item to be priced (if the item to be priced is sacramental domestic grape wine prepared in accordance with the laws of Kashruth and appropriately labeled to indicate that the wine is kosher or kosher for Passover, an amount per case equal to 20¢ per gallon may be added to the appropriate amount shown in the applicable table); plus

3. Subdivision (i) of paragraph (f) (3) of Appendix BB is amended to read as follows:

(i) The appropriate amount per case set forth in the applicable table for the item to be priced (if the item to be priced is sacramental domestic grape wine prepared in accordance with the laws of Kashruth and appropriately labeled to indicate that the wine is kosher or kosher for Passover, an amount per case equal to 20¢ per gallon may be added to the appropriate amount shown in the applicable table); plus

4. Subdivision (i) of paragraph (f) (4) of Appendix BB is amended to read as follows:

(i) The appropriate amount per case set forth in the applicable table for the item to be priced (if the item to be priced is sacramental domestic grape wine prepared in accordance with the laws of Kashruth and appropriately labeled to indicate that the wine is kosher or kosher for Passover, an amount per case equal to 20¢ per gallon may be added to the appropriate amount shown in the applicable table); plus

5. Subparagraph (1) of paragraph (g) of Appendix CC is amended to read as follows:

(1) The appropriate amount per gallon set forth in the applicable table (including where applicable, the barrel allowance provided for in paragraph (f) (2) and the Cali-

*Copies may be obtained from the Office of Price Administration.

[1] 9 F.R. 4687, 7708, 9505, 11538, 13996, 14494, 14817; 10 F.R. 48.

fornia State Marketing Order assessment provided for in paragraph (d)); if the wine to be priced is sacramental domestic grape wine prepared in accordance with the laws of Kashruth and appropriately labeled to indicate that the wine is kosher or kosher for Passover, an amount equal to 10¢ per gallon may be added to the appropriate amount shown in the applicable table; plus

6. Subparagraph (1) of paragraph (h) of Appendix CC is amended to read as follows:

(1) The appropriate amount per gallon set forth in the applicable table (including where applicable, the barrel allowance provided for in paragraph (f) (2) and the California State Marketing Order assessment provided for in paragraph (d)); if the wine to be priced is sacramental domestic grape wine prepared in accordance with the laws of Kashruth and appropriately labeled to indicate that the wine is kosher or kosher for Passover, an amount equal to 10¢ per gallon may be added to the appropriate amount shown in the applicable table; plus

This amendment shall become effective February 10, 1945.

Issued this 10th day of February 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-2422; Filed, Feb. 10, 1945; 4:38 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 2—ADJUDICATION: VETERANS' CLAIMS

PRINCIPLES GOVERNING STATUTORY RATINGS; DETERMINATIONS OF ACTIVE PULMONARY TUBERCULOSIS

Sections 2.1133 and 2.1135 are added as follows:

§ 2.1133 *Effect of diagnosis of active tuberculosis.* (a) Service department diagnoses of active pulmonary tuberculosis will be accepted unless, after considering all the evidence including that favoring or opposing tuberculosis, and favoring or opposing activity, a board of medical examiners or the chief medical officer certify that such diagnoses were incorrect. Doubtful cases may be referred to the medical director.

(b) Diagnoses of active pulmonary tuberculosis by the medical authorities of the Veterans Administration as the result of examination, observation or treatment, will be accepted for rating purposes. Reference to the chief medical officer will be in order in questionable cases and if necessary to the medical director.

(c) Diagnoses of active pulmonary tuberculosis by private physicians will not be accepted to show the disease initially manifest after discharge from active service unless confirmed by acceptable clinical, X-ray and laboratory studies or by a finding of active tuberculosis based upon acceptable hospital observation or treatment.

§ 2.1135 *Determination of arrest in tuberculosis.* (a) A veteran determined to have had active pulmonary tuberculosis, will be held to have reached a condition of complete arrest when there is compliance with the criteria of arrested pulmonary tuberculosis as defined by the National Tuberculosis Association and adopted by the Veterans Administration, viz.:

All constitutional symptoms absent. Sputum, if any, must be concentrated and found microscopically negative for tubercle bacilli. Lesions stationary and apparently healed, according to X-ray examination. No evidence of pulmonary cavity. These conditions shall have existed for a period of six months, during the last two of which the patient has been taking one hour's walking exercise twice daily, or its equivalent.

(b) Arrest of extra-pulmonary forms of tuberculosis will be considered to have been reached when there is a healed lesion. If there are two or more foci of such tuberculosis, one of which is active, the statutory award for arrest will not be made until the tuberculous process has reached arrest in its entirety.

(c) Service connection of disability predicated upon a diagnosis of active tuberculosis by the service departments and consequent statutory awards and ratings in effect March 19, 1933, are entitled to the protection afforded under sections 27 and 28, Public No. 141, 73d Congress.

[SEAL] FRANK T. HINES,
Administrator.

FEBRUARY 12, 1945.

[F. R. Doc. 45-2368; Filed, Feb. 10, 1945; 11:16 a. m.]

PART 25—MEDICAL

TUBERCULOSIS: DIAGNOSTIC CRITERIA

Sections 25.6021, 25.6022, 25.6023 and 25.6025 are revoked as follows:

§ 25.6021 *Criteria for tuberculous disease.* [Canceled February 12, 1945.]

§ 25.6022 *Findings required for the diagnosis of active pulmonary tuberculosis.* [Canceled February 12, 1945.]

§ 25.6023 *Findings not to be regarded as evidence of active pulmonary tuberculosis.* [Canceled February 12, 1945.]

§ 25.6025 *Determination of complete arrest of tuberculosis.* [Canceled February 12, 1945.]

CROSS REFERENCE: For *Determinations of active pulmonary tuberculosis,* see §§ 2.1133 and 2.1135.

[SEAL] FRANK T. HINES,
Administrator.

[F. R. Doc. 45-2369; Filed, Feb. 10, 1945; 11:16 a. m.]

PART 36—REGULATIONS UNDER SERVICEMEN'S READJUSTMENT ACT OF 1944

EDUCATION AND TRAINING INSTITUTIONS

Sec.
36.233 Education and training institutions.
36.234 Approval of institutions.
36.235 Relation to State approving agency.

AUTHORITY: §§ 36.233 to 36.235, inclusive, issued under 58 Stat. 284.

§ 36.233 *Education and training institutions.* Institutions to be used for education and training will be schools, colleges, business, industrial and other establishments.

(a) Institutions will be considered as schools or colleges, as distinguished from on-the-job training institutions, when that part of it in which the veteran is enrolled as a student is operated solely to give courses of instruction to students. Such schools and colleges may be public or private and will include those listed in paragraph 11 of section 400 of Title II of Public No. 346, 78th Congress.

(b) Institutions to be used for training on-the-job will consist of business, agricultural and industrial enterprises, Government agencies, educational and medical institutions, or other establishments providing apprenticeships or other training on-the-job, including especially those under the supervision of any State apprenticeship council or Federal apprenticeship training service, when the enrollee's course there consists of acquiring the desired skills and knowledges by participating in the normal activities of the establishment.

(c) The location of the training institution need not be in the State of the veteran's residence.

§ 36.234 *Approval of institutions.* Institutions in which education or training is provided must be approved by the appropriate agency of the State in which they are located, or by the Administrator of Veterans Affairs, as being qualified and equipped to furnish education or training.

(a) The appropriate agency or agencies of each State, designated by the Governor, will have sole authority to approve institutions within its State, except as provided herein.

(1) A list of institutions approved by the appropriate State agency will be transmitted to the manager of the regional office by central office and will be supplemented from time to time. The manager will duplicate and furnish the list and supplements to the managers of adjoining regional territories, and is authorized to make the list of approved institutions within his State open to any person who requests such information.

(2) Authority revoked. Upon receipt of the list of State-approved institutions, the authority given managers to approve institutions under the established procedure of the Veterans Administration is revoked. Thereafter, only institutions (including business and industrial establishments) determined by the designated State agency as being qualified and equipped to furnish education or training will be utilized, except as stated in paragraph (b) of this section.

(3) Veterans presently enrolled in institutions not on the State-approved list but which have been approved by the manager of the regional office of the Veterans Administration pending receipt of the State-approved list will be allowed to remain in training in such institutions until other arrangements are made.

(4) If an institution is removed from the approved list by the State agency, all payments to the veteran and to such institution may be suspended.

(b) Authority given the Administrator to approve additional institutions will be

exercised only under extraordinary circumstances. Action under such circumstances will be taken by central office upon the request of a manager only after the appropriate State agency has declined to act in the matter.

In requesting central office approval of such institutions, the manager will submit a report setting forth the circumstances necessitating the request and showing that a complete investigation has been made indicating that the institution is qualified and equipped to offer the desired courses in accordance with the standards set up for approving a training facility for use under Public No. 16 cases in accordance with established procedure of the Veterans Administration.

§ 36.235 *Relation to State approving agency.* "No department, agency, or officer of the United States, in carrying out the provisions of this part, shall exercise any supervision or control, whatsoever, over any State educational agency, or State apprenticeship agency, or any educational or training institution: * * *" (Paragraph 8, Part VIII, Veterans Regulation No. 1 (a), as amended by Title II, Public No. 346, 78th Congress.)

Therefore, no supervision or control may be exercised by any representative of the Veterans Administration over any State-approving agency. In all dealings with State agencies, managers will refrain from any intimation which might be construed as an attempt to supervise or control the agency.

(a) Cooperation, when and as requested, will be given State agencies by managers wherever possible. Such information as may be desired by the approving agency concerning any training institution and any standards being used in connection with selecting training facilities under Public No. 16, 78th Congress, will be supplied upon request. However, it must not be assumed by the State agency that the Veterans Administration will be responsible for approving institutions.

(b) Information concerning the inadequacy of an approved training facility which has been called to the attention of the manager shall be immediately presented, together with any additional available facts, to the State agency and the Administrator for whatever action it or the Administrator deems desirable.

[SEAL] FRANK T. HINES,
Administrator.

FEBRUARY 4, 1945.

[F. R. Doc. 45-2370; Filed, Feb. 10, 1945; 11:16 a. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts, Department of Labor

CERTAIN CONTRACTS BETWEEN UNITED STATES AND AMERICAN NATIONAL RED CROSS

EXCEPTION FROM PROVISIONS OF WALSH-HEALEY PUBLIC CONTRACTS ACT

Whereas, the Acting Secretary of the Treasury has made a written finding that the inclusion in contracts between the United States and the American National Red Cross for the purchase of bulk medicine, medical supplies and medical kits of the representation and stipulation required by section 1 (a) of the Walsh-Healey Public Contracts Act (49 Stat. 2036, U.S.C., title 41, Supp. III, 35), that the contractor is a manufacturer of or a regular dealer in the materials, supplies, articles or equipment to be manufactured or used in the performance of the contract, will seriously impair the conduct of Government business; and

Whereas, the Acting Secretary of the Treasury has requested that an exception be granted under section 6 of the Walsh-Healey Public Contracts Act permitting the award of such contracts without the inclusion of such representation and stipulation; and

Whereas, it appears from the findings of the Acting Secretary of the Treasury that the purchase of bulk medicines, medical supplies and medical kits by the United States from the American National Red Cross is pursuant to a program for the furnishing of these articles and supplies to prisoners of war of the Allied Nations located in base hospitals and prisoner of war camps in Germany and German-occupied Europe, that purchase of these articles and supplies by the United States from the American National Red Cross is essential to the coordination of the program, and that the American National Red Cross cannot make the representation and stipulation required by section 1 (a) of the Walsh-Healey Public Contracts Act; and

Whereas, I find that justice and the public interest will be served by granting the request of the Acting Secretary of the Treasury;

Now, therefore, pursuant to the authority vested in me by section 6 of the Walsh-Healey Public Contracts Act, I do hereby grant an exception with respect to any contract between the United States and the American National Red Cross for the purchase of bulk medicines, medical supplies and medical kits to be furnished to Allied Nations' prisoners of war in base hospitals and prisoner of war camps in Germany and German-occupied Europe, from the requirement of section 1 (a) of the act that there shall be included in any contract subject to the act the representation and stipulation that the contractor is a manufacturer of or a regular dealer in the materials, supplies, articles or equipment to be manufactured or used in the performance of the contract. This exception shall be effective from this date.

Dated: February 3, 1945.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 45-2386; Filed, Feb. 10, 1945; 11:43 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office

Appendix—Public Land Orders

[Public Land Order 262]

ALASKA

TRANSFERRING JURISDICTION OVER CERTAIN LANDS FROM DEPARTMENT OF INTERIOR TO FEDERAL PUBLIC HOUSING AUTHORITY, NATIONAL HOUSING AGENCY

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Jurisdiction over the following-described public lands is hereby transferred from the Department of the Interior to the Federal Public Housing Authority of the National Housing Agency, for the purpose of erecting thereon housing units and the necessary facilities to serve such units:

Beginning at corner No. 15, U. S. Survey No. 2275, Alaska, on the boundary of the North Addition to Anchorage Town Site.

From the initial point,
N. 6°18' W., 147.83 feet;
S. 87°31' W., 78.10 feet;
S. 89°45' W., 90.00 feet;
S. 0°15' E., 148.81 feet;
S. 88°59' W., 74.70 feet, to corner.
No. 13, U. S. Survey No. 2275;
N. 1°10' E., 12.51 feet;
N. 0°15' W., 122.31 feet;
N. 7°26' E., 15.14 feet;
N. 74°53' W., 62.92 feet;
N. 18°15' E., 99.38 feet, to corner.
No. 10, U. S. Survey No. 2275;
N. 73°30' W., 15.01 feet, to intersection monument No. 6, U. S. Survey No. 2275;
N. 18°15' E., 64.04 feet;
S. 81°03' E., 68.67 feet;
N. 89°45' E., 117.79 feet;
N. 86°07' E., 73.07 feet;
N. 79°53' E., 239.80 feet;
S. 10°07' E., 165.00 feet;
S. 79°53' W., 110.00 feet;
S. 10°07' E., 147.50 feet;
S. 79°53' W., 163.14 feet, to the place of beginning.
The tract, as described, contains 2.81 acres.

There is, however, reserved to The Alaska Railroad the right to enter upon and use in the construction, operation, and maintenance of water facilities, sewer lines, and power and telephone lines, any of the above-described lands which have been or may be set apart as streets or alleys.

Executive Order No. 2242 of August 31, 1915, is hereby modified to the extent necessary to accomplish the purpose of this order.

ABE FORTAS,
Acting Secretary of the Interior.

FEBRUARY 3, 1945.

[F. R. Doc. 45-2352; Filed, Feb. 10, 1945; 10:11 a. m.]

TITLE 46—SHIPPING

Chapter III—War Shipping Administration

[Rev. G. O. 47]

PART 301—GENERAL REGULATIONS

FORWARDING CONTRACTS

Sections 301.71 to 301.75, inclusive (General Order 47 (9 F.R. 14840)), are hereby revised to read:

Public Law 498, 77th Congress (56 Stat. 171), authorizes and directs the Administrator, through such administrative measures, agreements with other Federal departments and agencies, contracts with individuals or private business concerns, or other arrangements as he may deem to be necessary or appropriate in the public interest, to coordinate the functions and facilities of public and private agencies engaged in the forwarding and similar servicing of water-borne export and import foreign commerce of the United States, for the efficient prosecution of the war, the maintenance and development of present and post-war foreign trade, and the preservation of forwarding facilities and services for the post-war restoration of foreign commerce.

The Administrator has determined that in order to carry out the purposes of the act aforesaid, it is necessary and appropriate to issue the following order prescribing the forms of contract by which the Administrator will enter into contracts with forwarding organizations for the handling of general cargo as distinguished from bulk and other cargo covered in §§ 301.51 to 301.57, inclusive (General Order 38), and any future amendments or supplements thereto.

§ 301.71 *Contracts in budget form.* Except as otherwise provided by the Administrator, forwarding contracts providing for compensation based on the submission of a monthly budget shall be in the following form:

NOTE: Forms printed in the FEDERAL REGISTER are for information only, and do not follow the exact format prescribed by the issuing agency.

Forwarding contract Contract WSA
Budget form 2/1/45

This agreement entered into this _____ day of _____, 1945, by and between the Administrator of the War Shipping Administration, acting for and on behalf of the United States of America (hereinafter called the "Administrator"), and _____, a corporation duly organized and existing under the laws of the State of _____ (hereinafter called the "Forwarder").

Witnesseth:

Whereas: Public Law, Number 498, 77th Congress, authorizes and directs the Administrator, through such administrative measures, agreements with other Federal departments and agencies, contracts with individuals or private business concerns, or other arrangements as he may deem to be necessary or appropriate in the public interest, to coordinate the functions and facilities of public and private agencies engaged in the forwarding and similar servicing of water-borne export and import foreign commerce of the United States, for the efficient prosecution of the war, the maintenance and development of present and post-war foreign trade, and the preservation of forwarding facilities and services for the post-war restoration of foreign commerce; and

Whereas: The Administrator has determined it to be appropriate in the public interest and to accomplish the purpose of said Act to designate and appoint the Forwarder as his agent, upon the terms and conditions hereinafter set forth,

Now, therefore, in consideration of the premises and of the covenants and agreements hereinafter set forth, the parties hereto mutually agree and covenant as follows:

1. The Administrator hereby designates and appoints the Forwarder as his agent, subject to all the terms and conditions of this Agreement and subject to such regulations, directions and orders as may be issued by the Administrator from time to time, to make all necessary arrangements for the transportation from designated terminals, yards, or other places at or adjacent to port of loading to designated docks, piers or wharves in the port of _____, _____, of such cargo as the Administrator may from time to time determine, and to perform such of the duties customarily performed by Forwarders as the Administrator may determine, including, but not restricted to the following:

i. Tracing the goods to assure their prompt movement.

ii. Checking the arrival of the goods at the seaboard, and arranging for their transfer to the vessel either by truck, lighter, or otherwise.

iii. Checking the physical handling of the goods in the railroad yards to assure the moving of the shipment, complete on one or more lighters.

iv. Checking, where necessary, the actual unloading of the lighter, or the placing of the lighter alongside the vessel within the reach of the ship's tackle.

v. Cooperating with the agency controlling inland-routing for diversion enroute, when necessary, from the port originally designated to some other port.

vi. Correlating and consolidating shipments from different suppliers so that essential shipments may go together on one vessel.

vii. Checking the condition of packages and merchandise, recoopering, re-marking and so forth.

viii. Preparing all necessary shipping documents, such as Dock Receipts, Bills of Lading, Customs Declarations, Entries, and performing whatever documentary work may be necessary to conform with any system set up by agencies of the United States or of other nations.

The Forwarder hereby accepts such appointment and agrees to perform all functions and duties required by it to be performed pursuant to this Agreement, in full compliance with all applicable provisions of law and in an economical and efficient manner, and to exercise due diligence to protect and safeguard the interests of the Administrator in all respects and avoid any delay, loss or damage whatsoever to the Administrator.

2. (a) The Forwarder agrees that prior to the commencement of service hereunder and at monthly intervals thereafter it will submit a budget to the Administrator for his approval or modification; that it will not without the prior approval of the Administrator exceed such budget as approved or modified by the Administrator, nor employ any person in the capacity of an officer, director, or manager, except upon the approval of the Administrator; nor compensate any such person except at a rate of compensation approved by the Administrator.

(b) As compensation for the services performed by the Forwarder, the Administrator agrees to pay to the Forwarder, as soon after the end of each calendar month as is practicable, the fair and reasonable value, as determined by the Administrator, of the services performed by the Forwarder during such month. Such compensation shall reflect the approved budget cost of operation and the value of such services to the Government.

3. (a) *Renegotiation.* This contract shall be deemed to contain all the provisions required by subsection (b) of the Renegotiation Act, as amended by section 701 of the Revenue Act of 1943. (Public Law 235, 78th Congress, enacted February 25, 1944). In compliance with the said subsection (b) of the Renegotiation Act, as amended by the Revenue Act of 1943, the Forwarder shall insert in all contracts specified in said section the provisions of this subparagraph.

(b) *Repricing.* This contract and any subcontracts hereunder are subject to Title VIII of the Revenue Act of 1943 (Public Law 235, 78th Congress, enacted February 25, 1944—Repricing of War Contracts).

(c) *Recapture.* In the event that the Forwarder's profit under this Agreement during any calendar year before the deduction of taxes shall exceed 10% of the capital invested with the approval of the Administrator in the business for such period (as determined in accordance with accounting rules and regulations of the Administrator) the excess profit shall be refunded to the Administrator or, if the Administrator so directs, be applied as a credit against sums thereafter becoming due hereunder to the Forwarder.

4. The Administrator or his authorized representatives shall at all times have access to the premises of the Forwarder and shall have the right to inspect and make copies of books, records, correspondence, vouchers, and memoranda of every description of the Forwarder pertaining to the work to be performed by the Forwarder pursuant to the terms of this Agreement; the Forwarder further agrees to make such reports to the Administrator concerning transactions covered by or relating to this Agreement as the Administrator may determine.

5. A true copy of the Articles of Incorporation and By-Laws of the Forwarder are attached hereto, made a part hereof, and marked Exhibits "A" and "B" respectively. The Forwarder agrees to make no changes therein except with the consent of the Administrator.

6. This Agreement may be terminated, modified, or amended upon thirty days' notice, *Provided, however,* That notwithstanding any such termination, the Forwarder shall continue to be responsible for making necessary arrangements for the transportation of any cargo which the Forwarder is handling on the effective date of such termination from designated terminals, yards or other places at or adjacent to port of loading to designated docks, piers, wharves or warehouses in the Port of _____, _____.

7. No Member of or Delegate to Congress, nor Resident Commissioner, is or shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom, except as provided in Section 116 of the Act of Congress approved March 4, 1909 (35 Stat. 1109). The Forwarder agrees not to employ any Member of Congress, either with or without compensation, as an attorney, agent, officer or director.

8. The Forwarded warrants that it has not employed any person to solicit or secure this contract upon any agreement for a commission, percentage, brokerage, or contingent fee. Breach of this warranty shall give the Administrator the right to annul this contract, or in his discretion, to deduct from the consideration the amount of such compensation, percentage, brokerage, or contingent fee.

9. The Forwarder shall not sell, assign or transfer, either directly or indirectly or through any reorganization, merger or consolidation, or by operation of law, or by subcontract, this Agreement or any interest therein, nor make any agreement or arrangement whereby the service to be performed hereunder is to be performed by any person, whether as agent or otherwise, except as provided in section 10 hereof.

10. Any agent selected or appointed by the Forwarder in connection with its performance of this Agreement shall be solely the agent of the Forwarder and not, in any respect, the agent of the Administrator. The Forwarder shall be responsible to the Administrator for any action taken by any such agent. Such agent shall, however, be subject to disapproval by the Administrator, and any agreement with any agent shall be terminated by the Forwarder if the Administrator shall so request.

11. The Forwarder, in performing the work under this contract, shall not discriminate against any employee or applicant for employment because of race, creed, color or national origin. The Forwarder shall include a similar provision prohibiting discrimination in all subcontracts.

12. No convict labor shall be employed in the performance of the work under this contract.

13. The Forwarder agrees that in the performance of this contract it will comply with all applicable laws and regulations of the United States (including Executive Orders and regulations issued thereunder), any State or other public authority, now or hereafter in effect.

14. The Forwarder shall not employ any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence. As a condition of employment, the Forwarder shall, if requested by the Administrator, require each employee to execute an affidavit stating that he does not advocate and is not a member of any organization which advocates, the overthrow of the Government of the United States by force or violence; but the execution and filing of such affidavit shall be without prejudice to the right of the Administrator to require such further evidence as he may deem desirable.

15. Any question arising under this Agreement shall be referred to the Administrator of the War Shipping Administration for determination and his decision shall be final.

16. Any action by the Administrator in waiving any provision or provisions of this Agreement at any particular time or times shall not be deemed a waiver of such provision or provisions at any future time nor to require any other or similar indulgence on any other occasion.

In witness whereof, the parties hereto have executed this Agreement in quadruplicate as of the day and year first above written.

UNITED STATES OF AMERICA,

[CORPORATE SEAL]

By E. S. LAND,
Administrator,
War Shipping Administration.

By _____
For the Administrator.

_____

By _____

Attest:

_____
Secretary.

Approved as to form:

_____
Assistant General Counsel.

I, _____, certify that I am the duly chosen, qualified, and acting Secretary of _____, a party to this Agreement, and, as such, I am the custodian of its official records and the minute books of its governing body; that _____ _____, who signed this Agreement on behalf of said corporation, was then the duly qualified _____ of said corporation; that said officer affixed his manual signature to said Agreement in his official capacity as said officer for and on behalf of said corporation by authority and direction of its governing body duly made and taken; that said agreement is within the scope of the corporate and lawful powers of said corporation.

[CORPORATE SEAL] _____
Secretary.

§ 301.72 *Contracts in tonnage form.* Except as otherwise provided by the Administrator, forwarding contracts providing for compensation based on the amount of tonnage handled per month shall be in the following form:

Forwarding contract Contract WSA
Tonnage form 2/1/45

This agreement entered into this _____ day of _____, 1945, by and between the Administrator of the War shipping Administration, acting for and on behalf of the United States of America (hereinafter called the "Administrator"), and _____ a corporation duly organized and existing under the laws of the State of _____ (hereinafter called the "Forwarder"),

Witnesseth:

Whereas: Public Law Number 498, 77th Congress, authorizes and directs the Administrator, through such administrative measures, agreements with other Federal departments and agencies, contracts with individuals or private business concerns, or other arrangements as he may deem to be necessary or appropriate in the public interest, to coordinate the functions and facilities of public and private agencies engaged in the forwarding and similar servicing of water-borne export and import foreign commerce of the United States, for the efficient prosecution of the war, the maintenance and development of present and post-war foreign trade, and the preservation of forwarding facilities and services for the post-war restoration of foreign commerce; and

Whereas: The Administrator has determined it to be appropriate in the public interest and to accomplish the purpose of said Act to designate and appoint the Forwarder as his agent, upon the terms and conditions hereinafter set forth,

Now, therefore, in consideration of the premises and of the covenants and agreements hereinafter set forth, the parties hereto mutually agree and covenant as follows:

1. The Administrator hereby designates and appoints the Forwarder as his agent, subject to all the terms and conditions of this Agreement and subject to such regulations, directions and orders as may be issued by the Administrator from time to time, to make all necessary arrangements for the transportation from designated terminals, yards, or other places at or adjacent to port of loading to designated docks, piers or wharves in the port of _____ of such cargo as the Administrator may from time to time determine, and to perform such of the duties customarily performed by Forwarders as the Administrator may determine, including, but not restricted to the following:

i. Tracing the goods to assure their prompt movement.

ii. Checking the arrival of the goods at the seaboard, and arranging for their transfer to the vessels either by truck, lighter, or otherwise.

iii. Checking the physical handling of the goods in the railroad yards to assure the moving of the shipment, complete on one or more lighters.

iv. Checking, where necessary, the actual unloading of the lighter, or the placing of the lighter alongside the vessel within the reach of the ship's tackle.

v. Cooperating with the agency controlling inland-routing for diversion enroute, when necessary, from the port originally designated to some other port.

vi. Correlating and consolidating shipments from different suppliers so that essential shipments may go together on one vessel.

vii. Checking the condition of packages and merchandise recoopering, re-marking, and so forth.

viii. Preparing all necessary shipping documents, such as Dock Receipts, Bills of Lading, Customs Declarations, Entries, and performing whatever documentary work may be necessary to conform with any system set up by agencies of the United States or of other nations.

The Forwarder hereby accepts such appointment and agrees to perform all functions and duties required by it to be performed pursuant to this Agreement, in full compliance with all applicable provisions of law and in an economical and efficient manner, and to exercise due diligence to protect and safeguard the interests of the Administrator in all respects and avoid any delay, loss or damage whatsoever to the Administrator.

2. (a) As compensation for the services performed by the Forwarder, the Administrator agrees to pay to the Forwarder, as soon after the end of each calendar month as is practicable:

1. On shipments loaded at _____ a sum equal to

(a) $_____ per shipment for shipments up to and including _____ payable tons; or

(b) on shipments exceeding _____ payable tons, a sum equal to $_____ per payable ton for the entire shipment.

2. On shipments loaded at ports other than

(a) $_____ per month, no payment to be made when no shipments.

(b) Such compensation shall cover all services rendered by the Forwarder under this Agreement as well as all expenses of any nature whatsoever incurred by the Forwarder, in the performance of its services under this Agreement: *Provided*, That the compensation for services rendered by the Forwarder under this Agreement shall at all times be subject to review and adjustment by the Administrator at his discretion.

(c) A payable ton of cargo, as used in this Agreement, means a ton by weight or measurement of the particular commodity as the same is customarily manifested and/or freighted in the trade: *Provided*, That if cargo is freighted at a rate per hundred pounds, 2240 pounds shall be taken as one payable ton, and if freighted at a rate per cubic foot, 40 cubic feet shall be taken as one payable ton: *Provided further*, That when cargo is freighted at a rate per package, a ton of cargo, for the purpose hereof, shall be computed at 40 cubic feet or 2240 pounds, whichever produces the greater tonnage.

3. This Agreement may be terminated upon 30 days' written notice by either party hereto and may at any time be modified by mutual consent of the parties: *Provided, however*, That in any event the Forwarder shall continue to be responsible in accordance with the terms of this Agreement and its obligations hereunder for any cargo or shipments which the Forwarder is handling or has consented to handle pursuant to this Agreement on the effective date of such termination or modification at the rate of compensation provided hereby for the 30-day period immediately preceding such effective date.

4. (a) *Renegotiation.* This contract shall be deemed to contain all the provisions required by subsection (b) of the Renegotiation Act, as amended by section 701 of the Revenue Act of 1943 (Public Law 235, 78th Congress, enacted February 25, 1944). In compliance with said subsection (b) of the Renegotiation Act, as amended by the Revenue Act of 1943, the Forwarder shall insert in all contracts specified in said section the provisions of this subparagraph.

(b) *Repricing.* This contract and any subcontracts hereunder are subject to Title VIII of the Revenue Act of 1943 (Public Law 235, 78th Congress, enacted February 25, 1944—Repricing of War Contracts).

5. The Administrator or his authorized representatives shall at all times have access to the premises of the Forwarder and shall have the right to inspect and make copies of books, records, correspondence, vouchers, and

memoranda of every description of the Forwarder pertaining to the work to be performed by the Forwarder pursuant to the terms of this Agreement; the Forwarder further agrees to make such reports to the Administrator concerning transactions covered by or relating to this Agreement as the Administrator may determine.

6. There shall be attached hereto and made part hereof a true copy of the Articles of Incorporation of the Forwarder, duly certified by the Secretary of State or other officer of the State of Incorporation, with whom such Articles are filed. If the port or other place at which the services under this contract are to be performed is located in a State other than the State in which the Forwarder is incorporated, then there shall be also attached hereto and made part hereof, a certified copy of Forwarder's license or authority to conduct its business in such State, or such other evidence thereof as the Administrator may require.

7. No Member of nor Delegate to Congress, nor Resident Commissioner, is or shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom, except as provided in Section 116 of the Act of Congress approved March 4, 1909 (35 Stats. 1109). The Forwarder agrees not to employ any Member of Congress, either with or without compensation, as an attorney, agent, officer or director.

8. The Forwarder warrants that it has not employed any person to solicit or secure this contract upon any agreement for a commission, percentage, brokerage, or contingent fee. Breach of this warranty shall give the Administrator the right to annul this contract, or in his discretion, to deduct from the consideration the amount of such compensation, percentage, brokerage, or contingent fee.

9. The Forwarder shall not sell, assign or transfer, either directly or indirectly or through any reorganization, merger or consolidation, or by operation of law, or by subcontract, this Agreement or any interest therein, nor make any agreement or arrangement whereby the service to be performed hereunder is to be performed by any person, whether as agent or otherwise, except as provided in section 10 hereof.

10. Any agent selected or appointed by the Forwarder in connection with its performance of this Agreement shall be solely the agent of the Forwarder and not, in any respect, the agent of the Administrator. The Forwarder shall be responsible to the Administrator for any action taken by any such agent. Each agent shall, however, be subject to disapproval by the Administrator, and any agreement with any agent shall be terminated by the Forwarder if the Administrator shall so request.

11. The Forwarder, in performing the work under this contract, shall not discriminate against any employee or applicant for employment because of race, creed, color or national origin. The Forwarder shall include a similar provision prohibiting discrimination in all subcontracts.

12. No convict labor shall be employed in the performance of the work under this contract.

13. The Forwarder agrees that in the performance of this contract it will comply with all applicable laws and regulations of the United States (including Executive orders and regulations issued thereunder), any State or other public authority, now or hereafter in effect.

14. The Forwarder shall not employ any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence. As a condition of employment, the Forwarder shall, if requested by the Administrator, require each employee to execute an affidavit stating that he does not advocate and is not a member of any organization which advocates, the overthrow of the Government of the United States by force or violence; but the execution and filing of such affidavit shall be without prejudice to the right of the Administrator to require such further evidence as he may deem desirable.

15. Any question arising under this Agreement shall be referred to the Administrator of the War Shipping Administration for determination and his decision shall be final.

16. Any action by the Administrator in waiving any provision or provisions of this Agreement at any particular time or times shall not be deemed a waiver of such provision or provisions at any future time nor to require any other or similar indulgence on any other occasion.

In Witness Whereof, the parties hereto have executed this Agreement in quadruplicate as of the day and year first above written.

UNITED STATES OF AMERICA,

[CORPORATE SEAL]

By E. S. LAND,
Administrator,
War Shipping Administration.

By _____
For the Administrator

_____

By _____

Attest:

_____
Secretary.

Approved as to form:

_____
Assistant General Counsel.

I, _____, certify that I am the duly chosen, qualified, and acting Secretary of _____, a party to this Agreement, and, as such, I am the custodian of its official records and the minute books of its governing body; that _____, who signed this Agreement on behalf of said corporation, was then the duly qualified _____ of said corporation; that said officer affixed his manual signature to said Agreement in his official capacity as said officer for and on behalf of said corporation by authority and direction of its governing body duly made and taken; that said Agreement is within the scope of the corporate and lawful powers of this corporation.

_____
Secretary.

[CORPORATE SEAL]

§ 301.73 *Contracts in lump sum form.* Except as otherwise provided by the Administrator, forwarding contracts proving for compensation based on a lump sum payment per month shall be in form identical with that provided for in the tonnage form of contract set forth in § 301.72 except that Article 2 of the form of contract shall be changed to read:

2. As compensation for the services performed by the Forwarder the Administrator agrees to pay to the Forwarder, as soon after the end of each calendar month as is practicable the sum of _____, such sum to cover all services rendered by the Forwarder under this Agreement as well as all expenses of any nature whatsoever incurred by the Forwarder in the performance of its services under this Agreement; *Provided,* That the compensation for services rendered by the Forwarder under this Agreement shall at all times be subject to review and adjustment by the Administrator at his discretion.

§ 301.74 *Contracts in tonnage-minimum payment form.* Except as otherwise provided by the Administrator, forwarding contracts providing for compensation based on the amount of tonnage handled per month with a stipulated minimum payment per month regardless of the amount of tonnage handled shall be in form identical with that provided for in the tonnage form of contract set forth in §301.72 except that Article 2 of said form of contract shall be changed to read:

2. (a) As compensation for the services performed by the Forwarder, the Administrator agrees to pay to the Forwarder, as soon after the end of each calendar month as is practicable on shipments loaded at the port of _____ a sum equal to $_____ per shipment for shipments up to and including _____ payable tons; or on shipments exceeding _____ payable tons, a sum equal to $_____ per payable ton for the entire shipment: *Provided, however,* That in no event shall the monthly compensation be less than $_____.

(b) Such compensation shall cover all services rendered by the Forwarder under this Agreement as well as all expenses of any nature whatsoever incurred by the Forwarder, in the performance of its services under this Agreement; *Provided,* That the compensation for services rendered by the Forwarder under this Agreement shall at all times be subject to review and adjustment by the Administrator at his discretion.

(c) A payable ton of cargo, as used in this Agreement, means a ton by weight or measurement of the particular commodity as the same is customarily manifested and/or freighted in the trade: *Provided,* That, if cargo is freighted at a rate per hundred pounds, 2,240 pounds shall be taken as one payable ton, and if freighted at a rate per cubic foot, 40 cubic feet shall be taken as one payable ton; *Provided further,* That when cargo is freighted at a rate per package, a ton of cargo, for the purpose hereof, shall be computed as 40 cubic feet or 2,240 pounds, whichever produces the greater tonnage.

§ 301.75 *Effect on existing contracts.* The provisions of this general order (§§ 301.71 to 301.75, inclusive), shall not apply to contracts entered into prior to February 1, 1945.

[SEAL] E. S. LAND,
Administrator.

FEBRUARY 10, 1945.

[F. R. Doc. 45-2435; Filed Feb. 12, 1945; 11:24 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Rev. Service Order 263, Amdt. 2]

PART 95—CAR SERVICE

DEMURRAGE RULES AND CHARGES FOR LOADED TANK CARS

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of February, A. D. 1945.

Upon further consideration of Revised Service Order No. 263 (10 F.R. 582) of January 12, 1945, as amended (10 F.R. 777), and good cause appearing therefor: *It is ordered,* That:

Revised Service Order No. 263 (10 F.R. 582) of January 12, 1945, as amended, be, and it is hereby, further amended by substituting the following paragraphs for paragraphs (a), (b), (g) (1), (h), and (n).

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall continue to apply the demurrage

rules and charges in Agent B. T. Jones' Tariff I. C. C. No. 3815, supplements thereto or reissues thereof, and in other demurrage tariffs with the additions and modifications hereinafter set forth, which modifications and additions are applicable only to loaded tank cars suitable for interchange having Association of American Railroads mechanical designation prefixed by "TM", "TMI", "TA", "TAI", "TP", and "TPI", in the official equipment register, when held for unloading, reconsigning, diversion or reshipment.

(b) Tank cars with designation of "TA", "TAI", "TP", and "TPI" (See exception) shall be included in and be subject to all provisions applicable to loaded tank cars of designation "TM" or "TMI".

Exception. This provision is not applicable to tank cars designated "TP" or "TPI" when loaded with anhydrous hydrofluoric acid, carbon dioxide, chlorine, ethyl chloride, ethylene oxide, metallic sodium, methyl chloride, sulphur dioxide or motor fuel anti-knock compound.

* * * * *

(g) *Storage charges.* (1) The operation of all rules, regulations and charges for storage in lieu of demurrage on freight in tank cars at or short of ports consigned or reconsigned for export, coastwise or intercoastal movement is hereby suspended and in lieu thereof the rules, regulations and charges named in this order shall apply.

* * * * *

(h) *Claims.* (1) Except as provided in subparagraph (2) hereof when additional free time is allowed for weather conditions, bunching and other similar disabilities such as those set forth in Rule 8 of Agent B. T. Jones' Tariff I. C. C. No. 3815, such additional time shall be added to the reduced free time provided in (d) above.

(2) When lading is frozen or congealed, so as to require heating, thawing or loosening to unload the free time shall be extended twenty-four (24) hours.

* * * * *

(n) *Effective date.* Except as provided in paragraph (o) this order shall become effective at 7 a. m., January 22, 1945.

It is further ordered, That this order shall vacate and supersede Corrected Amendment No. 1 and shall become effective 7 a. m., February 22, 1945; that copies of this order and direction shall be served upon the State railroad regulatory bodies of all States and the District of Columbia and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the FEDERAL REGISTER.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-2437; Filed, Feb. 12, 1945; 11:31 a. m.]

Subchapter B—Carriers by Motor Vehicle

[Ex Parte No. MC-4]

PART 194—NECESSARY PARTS AND ACCESSORIES

MOTOR CARRIER SAFETY REGULATIONS

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 27th day of January, A. D. 1945.

It appearing, that, as shown by the findings stated in the report attached hereto and made a part hereof, there is need for regulating the installation and use of heaters and heating equipment in passenger-carrying vehicles operated by common and contract carriers in interstate or foreign commerce; and

It further appearing, that the following heater specifications prescribe reasonable, necessary, and adequate standards of construction and performance designed to promote safety in the transportation of passengers;

It is ordered, That the following heater specifications be, and they hereby are, approved, adopted, and made applicable to common and contract carriers of passengers by motor vehicle in interstate or foreign commerce:

§ 194.6 *Heater specifications* — (a) *Heater defined.* For the purposes of these specifications the term "heater" means any device or assembly of devices or appliances used to heat the interior of any bus, as defined in the Commission's Motor Carrier Safety Regulations, Revised, whether a single unit, any or all units of a combination of vehicles comprising a bus; or whether to be occupied by a driver only or passengers only, or both.

(b) *Types of heater not acceptable.* The installation or use of the following types of heaters is prohibited:

(1) *Exhaust heaters.* Any type of exhaust heater in which the engine exhaust gases are conducted into or through any space occupied by persons, or any heater which conducts contaminated air into any such space.

(2) *Unenclosed flame.* Any type of heater employing a flame which flame is not fully enclosed.

(3) *Fuel leakage.* Any type of heater from the burner of which there could be spillage or leakage of fuel upon the tilting or overturning of the vehicle in which it is mounted.

(4) *Air contamination.* Any heater taking air, heated or to be heated, from the engine compartment or from direct contact with any portion of the exhaust system into the space occupied or to be occupied by the driver of the bus and/or passengers; or any heater taking air in ducts from the outside atmosphere to be conveyed through the engine compartment, unless said ducts are so constructed and installed as to prevent contamination of the air so conveyed.

(5) *Solid fuels.* Any stove or other heater employing wood, coal, coke, charcoal, or any other solid fuel.

(c) *Specifications.* All heaters installed or used in any bus, whether single unit or in any unit of a combination of motor vehicles, any or all of which are used to transport passengers, shall comply with the following specifications:

(1) *Protection of heating elements to prevent contact burns.* Any heater employing a flame, heated wire or wires, incandescent elements, or any other heating element or assembly of such elements shall be protected from contact by occupants unless the surface temperature of the protecting grilles, if such be provided, or of any exposed portions of the heaters inclusive of exhaust stacks, pipes, or conduits shall be lower than would cause contact burns. Adequate protection shall be afforded against fires from direct radiation whether to vehicle or to persons.

(2) *Guards for moving parts of heater.* Effective guards shall be provided for the protection of passengers or occupants against damage by fans, belts, or any other moving parts of any heater.

(3) *Attachment of heater to vehicle.* Every heater shall be securely fastened to a substantial part of the body, chassis, or floor of the vehicle or to any substantial appurtenance itself securely attached to the vehicle by such means as will be sufficient to provide against the separation from the vehicle in the course of normal usage or in the event of the vehicle's overturn. Every heater shall be so designed constructed, and mounted as to afford the minimum likelihood of disassembly of any of its parts, including exhaust stacks, pipes, or conduits, upon overturn of the vehicle in which it is mounted. That portion of the structure of the vehicle to which the heater is attached shall be reasonably rigid and shall be sufficiently substantial to permit the purposes herein outlined to be accomplished.

(4) *Relative motion between fuel tank and heater.* When, either in the course of normal operation or in the event of overturn, there is or is likely to be relative motion between the fuel tank and a heater or between either such unit and the fuel lines between them, then a suitable means shall be provided at the point of greatest relative motion so as to allow this motion without causing failure of the fuel line.

(5) *Tampering with operating controls of heater.* Means shall be provided to prevent unauthorized persons from tampering with the operating controls of any heater.

NOTE: Suitable means for the accomplishment of the purposes above outlined include: Remote control by the driver; installation of the heater at inaccessible places; control of adjustments by key or keys; enclosure of controls in a locked space, and locking of controls. Other means of accomplishing these purposes may suggest themselves.

(6) *Electrical apparatus; size and protection.* Any heater employing any electrical apparatus shall be equipped with electrical conductors, switches, connectors, and other electrical parts of ample current-carrying capacity to provide against overheating; any electric motor employed in any heater shall be of ample size and so located that it will

not be heated beyond its normal rating; each electrical circuit in a heater device shall be provided with separate fuses and/or circuit breakers to provide against electrical overloading; and all electrical conductors employed in and leading to any heater shall be secured against dangling, chafing, rubbing, and shall have suitable protection against any other condition likely to produce short- or open-circuits.

NOTE: Any electrical parts certified as proper for use by Underwriters' Laboratories, Inc., shall be deemed to comply with the foregoing requirements of these specifications.

(7) *Non-spill filler caps for separate storage batteries.* If a separate storage battery is located in the personnel or cargo space, such battery shall be securely mounted and equipped with non-spill filler caps.

(d) *Exhaust from combustion heaters.* Any heater involving the combustion of oil, gas, liquefied petroleum gas, or any other combustible material, shall be provided with substantial means of conducting the products of combustion to the outside of the vehicle. The exhaust pipe, stack or conduit shall be sufficiently substantial and so secured as to provide reasonable assurance against leakage or discharge of products of combustion within the vehicle and, if necessary, shall be so insulated as to make unlikely the burning or charring of parts of the vehicle by radiation or by direct contact therewith. These requirements shall be in addition to those set forth in paragraph (c) (1) of these specifications. The place of discharge of the products of combustion to the atmosphere and the means of discharge of such products shall be such as to afford the minimum likelihood of their reentry into the vehicle under all operating conditions.

(e) *Leakage of fuel or products of combustion*—(1) *Design and construction of combustion chamber.* The design and construction of any combustion-type heater shall be such as to provide by every practicable means against the leakage of products of combustion into any air to be heated and circulated. The materials employed in any combustion chamber shall be such as to provide the minimum probability against such leakage because of corrosion, oxidation, or other deterioration; all joints between combustion chambers and the air chambers with which they are in thermal and mechanical contact shall possess like characteristics; and the materials employed in such joints shall have melting points substantially higher than the maximum temperatures likely to be attained at the points of jointure.

(2) *Location and protection of fuel tanks.* Fuel tanks supplying either liquid or gaseous fuel to heaters of the combustion type shall be located outside the passenger space of the vehicle in which the heater is mounted and at a height lower than that of the heater and passengers. When necessary, suitable protection shall be afforded by shielding or other means against the puncturing of any such tank or its connections by flying stones or other objects.

(3) *Automatic fuel control.* Automatic means shall be provided for the shutting off of the fuel at its outlet, or for reducing such flow of fuel to the smallest practicable magnitude, in the event of overturn of the vehicle and in the event of the separation, breakage, or disconnection of any of the fuel lines between fuel tank or reservoir and the heater.

(f) *Controls*—(1) *"Tell-tale" indicators for combustion heaters.* Heaters of the combustion type shall be provided with "tell-tale" means to indicate to the driver when such heater is functioning.

(2) *Automatic or manual control.* Automatic means, or manual means provided the control is readily accessible to the driver, shall be provided to shut off the fuel supply in case of failure of the heater to function for any reason, or in case the heater should function improperly or overheat.

(g) *Certification.* Every heater acquired and used in a bus by a motor carrier after the effective date of these specifications, shall be marked plainly with the following certification of the manufacturer thereof (or words of equivalent meaning):

The design and construction of this heater complies with the requirements therefor of the Interstate Commerce Commission.

It is further ordered, That this order shall become effective March 15, 1945, and that on and after such date no common or contract carrier of passengers by motor vehicle in interstate or foreign commerce shall install, or use, in or upon a motor vehicle operated or intended to be operated, in transporting passengers in such commerce, a heater or heating equipment violating any of the requirements or prohibitions contained in the above heater specifications.

It is further ordered, That a copy of this order be served upon all such common and contract carriers of passengers, and that notice of this order be given to the general public by depositing a copy of it in the Office of the Secretary of the Commission, at Washington, D. C., and by filing with the Director, Division of the Federal Register.

(Sec. 204 (a), 49 Stat. 546, 52 Stat. 1237, 54 Stat. 921; 49 U.S.C. 304)

By the Commission, Division 5.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-2363; Filed, Feb. 10, 1945; 11:08 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order 878]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 3, 1945.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Montana 5019B1 Stillwater	$130,000
Montana 5021B2 Big Horn	50,000
North Carolina 5037C3 Davie	25,000
Tennessee 5046A3 Warren	55,000
Virginia 5029K2 Nelson	25,000
Wisconsin 5014D3 Oconto	100,000

WILLIAM J. NEAL, *Acting Administrator.*

[F. R. Doc. 45-2366; Filed, Feb. 10, 1945; 11:09 a. m.]

[Administrative Order 879]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 3, 1945.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Louisiana 5022S2 Homer	$2,000
Missouri 5063S2 Mt. Vernon	7,000
South Carolina 5045S2 Edgefield	10,000

WILLIAM J. NEAL, *Acting Administrator.*

[F. R. Doc. 45-2367; Filed, Feb. 10, 1945; 11:09 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

FUNK AIRCRAFT CO.

NOTICE OF EXCEPTION FROM CERTAIN RECORD KEEPING REQUIREMENTS

Pursuant to section 11 (c) of the Fair Labor Standards Act of 1938, and § 516.18 of the record keeping regulations, Part 516 as amended, notice is hereby given of the granting of an exception to Funk Aircraft Company, South Coffeyville, Oklahoma, relieving it of the requirement of preserving its employees' time cards for the period required by § 516.14 of the record keeping regulations; *Provided,* That the time cards will be preserved for not less than six months; *And provided,* That the total number of hours worked each workweek by each employee be transcribed from the time cards to other records which will be preserved for the remainder of such period as the time cards are required to be preserved under the record keeping regulations.

This exception shall not apply with respect to the records of any employee under 16 years of age or any employee who becomes subject to any provision of the Act which requires the payment of overtime compensation on a daily basis.

This authority is granted on the representations of the petitioner and is subject to revocation for cause.

Signed at New York, New York this 9th day of February 1945.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 45-2432; Filed, Feb. 12, 1945; 11:08 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 1501]

INVESTIGATION OF NONSCHEDULED AIR SERVICES

NOTICE OF HEARING

In the matter of the investigation of nonscheduled air services.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 and 1002 of said act, that hearing in the above-entitled proceeding is assigned to be held on March 27, 1945 at 10:00 a. m. (eastern war time) in the Commerce Auditorium, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiners William J. Madden and Curtis C. Henderson.

Dated at Washington, D. C., February 9, 1945.

By the Civil Aeronautics Board.

FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45-2452; Filed, Feb. 12, 1945; 11:48 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5829]

ARKANSAS POWER & LIGHT CO.

ORDER POSTPONING DATE OF HEARING

FEBRUARY 8, 1945.

It appears to the Commission that:

(a) On January 2, 1945, the Commission ordered that a public hearing be held commencing on February 20, 1945, in the Hearing Room of the Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., respecting the matters involved and the issues arising out of the proceedings in this matter.

(b) On February 5, 1945, Arkansas Power & Light Company filed its petition requesting that the hearing now set for February 20, 1945, in Washington, D. C., be indefinitely postponed or transferred to Little Rock or Pine Bluff, Arkansas.

The Commission finds that: It is appropriate that the hearing now set for February 20, 1945, be postponed as hereinafter provided.

The Commission orders that: The hearing in the above matter now set to commence on February 20, 1945, in the Commission's hearing room, 1800 Pennsylvania Avenue NW., Washington, D. C., be and the same is hereby postponed to commence at 10:00 a. m. (e. w. t.) on May 22, 1945, at the same place.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45-2353; Filed, Feb. 10, 1945; 10:12 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 870]

RECONSIGNMENT OF SEED POTATOES AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Mo., February 7, 1945, by Cochrane Brokerage Co. of car PFE 63216, seed potatoes, now on the Chicago, Rock Island & Pacific Railway, to Griffin Grocery Co., Okmulgee, Oklahoma. (KCS-KO&G-ON)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of February 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-2364; Filed, Feb. 10, 1945; 11:08 a. m.]

[S. O. 70-A, Special Permit 871]

RECONSIGNMENT OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, February 7, 1945, by National Produce Co. of car PFE 95892, potatoes, now on the Wood Street Terminal, to O. L. Davis Brokerage Co., Chattanooga, Tennessee. (CI&L-Sou.)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 7th day of February 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-2365; Filed, Feb. 10, 1945; 11:08 a. m.]

[S. O. 70-A, Special Permit 872]

RECONSIGNMENT OF CABBAGE AT LOS ANGELES, CALIF.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Los Angeles, California, February 9, 1945, by Bracker Vegetable Sales Company of car MDT 20263, cabbage, now on the Southern Pacific Lines, to Salt Lake City, Utah.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 9th day of February 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-2436; Filed, Feb. 12, 1945; 11:31 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[ODT Certificate No. S-7, as Amended]

COMMON CARRIERS

SUBSTITUTION OF RAIL FOR MOTOR COMMON CARRIER SERVICE BETWEEN CHICAGO, ILL., ST. LOUIS, MO., DENVER, COLO., AND LOS ANGELES, CALIF.

Pursuant to Executive Orders 8989, as amended, and 9156, and in order to provide for the conservation and more efficient utilization of vital transportation facilities, and to prevent and alleviate traffic congestion,

I hereby find and certify that the substitution of rail transportation for that of motor common carrier between Chicago, Illinois, and Los Angeles, California, between St. Louis, Missouri, and Los Angeles, California, from Chicago, Illinois, to Denver, Colorado, and from St. Louis, Missouri, to Denver, Colorado, by Denver Chicago Trucking Company, Inc., a motor common carrier, will not adversely affect the transportation of freight by railroad and will aid in con-

serving motor carrier transportation facilities.

Issued at Washington, D. C., this 10th day of February 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-2382; Filed, Feb. 10, 1945; 11:24 a. m.]

[Supp. Order ODT 3, Rev. 527]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN SYRACUSE, BINGHAMTON AND ENDICOTT, N. Y.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective February 14, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 10th day of February 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Hamblen Motor Express, Inc., Syracuse, N. Y.

G. E. Tuffley and Harry E. Tuffley, copartners, doing business as Tuffley & Son, Syracuse, N. Y.

[F. R. Doc. 45-2377; Filed, Feb. 10, 1945; 11:24 a. m.]

[1] Filed as part of the original document.

[Supp. Order ODT 3, Rev. 531]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN HASTINGS AND GRAND ISLAND, NEBR.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of

this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective February 14, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 10th day of February 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Highway Motor Freight, Inc., Omaha, Nebr.
Walter Petersen, doing business as Nielsen & Petersen, Grand Island, Nebr.

[F. R. Doc. 45-2378; Filed, Feb. 10, 1945; 11:24 a. m.]

[Supp. Order ODT 3, Rev. 532]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN WISCONSIN

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective February 14, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 10th day of February 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

West Shore Transport Co., Sheboygan, Wis.
Motor Transport, Co., Milwaukee, Wis.
Julius L. Scheffler, doing business as J. L. Scheffler Forwarder, Chicago, Ill.

[F. R. Doc. 45-2379; Filed, Feb. 10, 1945; 11:25 a. m.]

COMMON CARRIERS

[Supp. Order ODT 3, Rev. 535]

COORDINATED OPERATIONS BETWEEN POINTS IN NORTH CAROLINA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of

[1] Filed as part of the original document.

necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective February 14, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 10th day of February 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Carey Transfer & Storage Co., Inc., Charlotte, N. C.

Carolina Transfer & Storage Co., Inc., Charlotte, N. C.

W. R. Grier, Jr., doing business as City Transit & Van Service, Charlotte, N. C.

A. C. Fisher, doing business as Fisher's Transfer, Charlotte, N. C.

G. L. Russell, doing business as G. L. Russell Transfer Co., Charlotte, N. C.

Harvey P. Smith, doing business as Smith Transfer & Storage Co., Charlotte, N. C.

Weathers Brothers Transfer Co., Inc., of North Carolina, Charlotte, N. C.

[F. R. Doc. 45-2380; Filed, Feb. 10, 1945; 11:25 a. m.]

[Supp. Order ODT 3, Rev. 539]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN ROCKY MOUNT AND POINTS IN NORTH CAROLINA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order.

[1] Filed as part of the original document.

Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective February 14, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 10th day of February 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

W. I. Tanner, doing business as W. I. Tanner Transfer Co., Rocky Mount, N. C.
B. R. Hunt, Rocky Mount, N. C.

[F. R. Doc. 45-2381; Filed, Feb. 10, 1945; 11:25 a. m.]

[Special Order ODT E-2A]

EL PASO, TEX., AREA

ORDER EXPEDITING COLLECTION AND DELIVERY OF LINE-HAUL SHIPMENTS

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Orders 8989, as amended, and 9156, and War Production Board Directives 21 and 36, as amended, and in order to conserve and providently utilize vital transportation equipment, materials, and supplies, and to provide for the continuous and expeditious movement of necessary traffic by common carriers of property, the attainment of which purposes is essential to the successful prosecution of the war, and being satisfied that the fulfillment of the requirements for the defense of the United States has resulted and will result in a shortage in the supply of motor transportation equipment, materials, and supplies for defense, and for private account and for export, and it being deemed necessary and appropriate in the public interest and to promote the national defense, it is hereby ordered, that:

1. *Applicability.* The provisions of this order shall be applicable only to the collection and delivery by or for the account of common carriers in the El Paso Area of shipments of property transported in line-haul service.

2. *Definitions.* As used in this order, the term:

(a) "El Paso Area" means and includes the municipality of El Paso, Texas, and the territory immediately adjacent thereto and commercially a part thereof.

(b) "Common carrier" or "carrier" means any person which holds itself out to engage in the transportation of property for the general public in line-haul service for compensation, regardless of the designation of such person under any Federal or State statute.

(c) "Person" means any individual, partnership, corporation, association, joint-stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative, and includes any department or agency of the United States, any State, the District of Columbia, or any other political, governmental or legal entity.

(d) "Line-haul service" means the transportation of property by any facility of transportation between a point within the El Paso Area and a point outside that Area.

(e) "Collection" or "collect" means taking possession of property at a shipper's dock, warehouse, or other point where the property is available for loading for transportation and includes the acceptance of property from the shipper, or the shipper's agent, at the terminal or other facility maintained by the carrier for the acceptance of property.

(f) "Delivery" or "deliver" means relinquishing possession of property at the consignee's dock, warehouse, or other point which the consignee has designated for receiving delivery of the property and includes acceptance of the property by the consignee, or the consignee's agent, at the terminal or other facility maintained by the carrier for the delivery of property.

(g) "Truckload traffic" means a shipment moving from one consignor to one consignee in one day under a truckload or volume rate, subject to a stated minimum weight of not less than 10,000 pounds, and covered by one bill of lading.

(h) "Property" means anything, except persons and their personal baggage, capable of being transported by vehicle.

(i) "Vehicle" means any facility capable of being used for the transportation of property.

(j) "Special equipment" means any vehicle, the primary carrying capacity of which is occupied by mounted machinery.

3. *Collections of property; availability and restrictions.* (a) Before attempting collection of property, a common carrier shall make definite arrangements with the shipper thereof as to the time when and the place where the property will be available for collection.

(b) No common carrier shall collect, or cause the collection of, property at any time except:

(1) Between the hours of 8 a. m. and 5 p. m. on any Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday and then only when the order for the collection thereof is received by the carrier prior to 12 noon of such day; or

(c) No common carrier shall make, or cause to be made, more than one collection of property from any one dock, warehouse, or other collection point, for the account of any one shipper in any one calendar day: *Provided,* That the collection of truckload traffic, as defined in subparagraph (g) of paragraph 2 of this order shall not be subject to the restriction of this subparagraph (c).

4. *Designation of collection point; preparation of property for shipment.* No common carrier shall attempt the collection of property from a shipper unless and until the shipper, prior to the time agreed upon by the carrier and shipper for the collection of such property, shall have:

(a) Designated the point at which the property will be available for collection;

(b) Prepared the property for shipment including, in respect of two or more shipments, the segregation and separation of such shipments to permit prompt checking and identification by the carrier; and

(c) Placed the property for collection at the point so designated.

5. *Failure to prepare property for shipment; collection deferred.* Whenever a shipper fails, prior to the time agreed upon by the carrier and shipper, to prepare and place property for collection in the manner specified in paragraph 4 of this order, no common carrier shall collect, or cause the collection of, the property thereafter during the same calendar day.

6. *Restrictions on deliveries.* (a) No common carrier shall deliver, or cause the delivery of, property at any time except:

(1) Between the hours of 8 a. m. and 5 p. m. on any Monday, Tuesday, Wednesday, Thursday, Friday, or Saturday;

(b) When delivering two or more shipments to a consignee at one time, the common carrier shall segregate or separate such shipments to permit prompt checking and identification of such shipments by the consignee.

(c) In effecting deliveries of property no common carrier shall:

(1) Sort or separate any shipment as to sizes, brands, flavors, or other characteristics, for the use of the consignee; or

(2) Deliver a single shipment, or part thereof, to more than one receiving point on or within the premises of the consignee.

(d) No common carrier shall make, or cause to be made, more than one delivery of property to any one destination point for the account or benefit of any one consignee in any one calendar day: *Provided,* That the delivery of truckload traffic, as defined in subparagraph (g) of paragraph 2 of this order, shall not be subject to the restriction of this subparagraph (d).

7. *Placement of vehicles for collections or deliveries; restrictions.* No common carrier for the purpose of collecting or delivering property shall place, or spot, or cause to be placed or spotted, or permit or allow to remain, any vehicle on, at, or near the premises of a shipper or consignee (or other point or place designated by agreement for the collection

or delivery of property) at any time during which collections, by virtue of the terms of paragraph 3 of this order, or deliveries, by virtue of the terms of paragraph 6 of this order, are prohibited.

8. *Truckload deliveries; notification of consignee.* A common carrier shall notify the consignee as to any truckload consignment before delivery thereof is attempted in order that the consignee may make provision for the prompt unloading of the vehicle or vehicles.

9. *Places for collections and deliveries of property.* Collections and deliveries of property shall be made only at places which physically are accessible to vehicles. Loading and unloading of vehicles shall be limited to places customarily used in collecting and delivering property at docks or street level.

10. *Prohibited collections and deliveries; when may be made.* (a) A common carrier, while making any collection or delivery not prohibited by the terms of the foregoing paragraphs of this order, may make any collection or delivery which is made without operating the collecting or delivering vehicle any additional distance.

(b) A common carrier, who actually has commenced the collection of property at a shipper's dock, warehouse, or other point where the property is available as defined in paragraph 4 of this order, within the time not prohibited by the terms of paragraph 3 of this order, may complete the collection of such property: *Provided*, That the time required to complete such collection does not exceed an additional half hour beyond the time specified in said paragraph 3.

(c) A common carrier, who actually has commenced the delivery of property at the premises of a consignee within the time not prohibited by the provisions of paragraph 6 of this order, may complete the delivery of such property.

11. *Exemptions.* The provisions of this order shall not apply in respect of:

(a) Any shipment of property, the expedited movement of which is necessary to meet the needs of the military or naval forces of the United States, the United States Maritime Commission, or the War Shipping Administration;

(b) Any shipment consisting of household goods as defined in General Order ODT 43 (9 F.R. 3261);

(c) Any shipment of medicines or other supplies or equipment, the expedited movement of which is necessary for the protection or preservation of life, health, or public safety;

(d) Any shipment of property, the transportation of which requires special equipment;

(e) Any shipment of livestock;

(f) Any shipment of property, the transportation of which requires the use of a mounted tank or tanks;

(g) Any shipment of property moving in the express service of any common carrier by express subject to the provisions of Part I of the Interstate Commerce Act;

(h) Any shipment of property during the course of its transfer between the terminals of carriers incidental to line-haul service; and

(i) Any shipment of perishable commodities, the expedited movement of which is necessary to prevent spoilage or other damage from deterioration.

12. *Filing of tariffs.* Every common carrier required by law to file tariffs of rates, charges, rules, regulations and practices forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operation affected by this order, and publish and file in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in the rules, regulations, and practices of the carriers which may be necessary to accord with the provisions of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

13. *Carrier not relieved from other laws or regulations.* The provisions of this order shall not be so construed or applied as to authorize or require any act or omission which is in violation of any law or regulation, including any general order or other requirement of the Office of Defense Transportation.

14. *Special permits.* The provisions of this order shall be subject to any special permit issued by the Office of Defense Transportation to meet specific needs or exceptional circumstances, or to prevent undue hardship. Application for a special permit shall be made in conformity with the provisions of Administrative Order ODT 14 (9 F.R. 1184).

15. *Communications.* Communications concerning this order should refer to it by the Special Order number which appears in the caption hereof, and unless otherwise directed should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

Special Order ODT E–2 is hereby revoked as of the effective date of this Special Order ODT E–2A.

This order shall become effective February 16, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

(Title III of the Second War Powers Act, 1942, as amended, 56 Stat. 177, 50 U.S.C. 633, Pub. Law 509, 78th Congress; E.O. 8989, as amended; 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; War Production Board Directives 21 and 36, as amended, 8 F.R. 5834, 9 F.R. 6989, 10 F.R. 698)

NOTE: The recording and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Washington, D. C., this 12th day of February 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45–2427; Filed, Feb. 12, 1945; 10:01 a. m.]

[Special Order ODT E–9]

HOUSTON, TEX., AREA

ORDER EXPEDITING COLLECTION AND DELIVERY OF LINE-HAUL SHIPMENTS

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Orders 8989, as amended, and 9156 and War Production Board Directives 21 and 36, as amended, and in order to conserve and providently utilize vital transportation equipment, materials, and supplies, and to provide for the continuous and expeditious movement of necessary traffic by common carriers of property, the attainment of which purposes is essential to the successful prosecution of the war, and being satisfied that the fulfillment of the requirements for the defense of the United States has resulted and will result in a shortage in the supply of motor transportation equipment, materials, and supplies for defense, and for private account and for export, and it being deemed necessary and appropriate in the public interest and to promote the national defense, it is hereby ordered, that:

1. *Applicability.* The provisions of this order shall be applicable only to the collection and delivery by or for the account of common carriers in the Houston Area of shipments of property transported in line-haul service.

2. *Definitions.* As used in this order, the term:

(a) "Houston Area" means and includes the municipality of Houston, Texas, and the territory immediately adjacent thereto and commercially a part thereof.

(b) "Common carrier" or "carrier" means any person which holds itself out to engage in the transportation of property for the general public in line-haul service for compensation, regardless of the designation of such person under any Federal or State statute.

(c) "Person" means any individual, partnership, corporation, association, joint-stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative, and includes any department or agency of the United States, any State, the District of Columbia, or any other political, governmental or legal entity.

(d) "Line-haul service" means the transportation of property by any facility of transportation between a point within the Houston Area and a point outside that area.

(e) "Collection" or "collect" means taking possession of property at a shipper's dock, warehouse, or other point where the property is available for loading for transportation and includes the acceptance of property from the shipper, or the shipper's agent, at the terminal or other facility maintained by the carrier for the acceptance of property.

(f) "Delivery" or "deliver" means relinquishing possession of property at the consignee's dock, warehouse, or other point which the consignee has designated for receiving delivery of the property and includes acceptance of the property by the consignee, or the consignee's agent, at the terminal or other

facility maintained by the carrier for the delivery of property.

(g) "Truckload traffic" means a shipment moving from one consignor to one consignee in one day under a truckload or volume rate, subject to a stated minimum weight of not less than 10,000 pounds, and covered by one bill of lading.

(h) "Property" means anything, except persons and their personal baggage, capable of being transported by vehicle.

(i) "Vehicle" means any facility capable of being used for the transportation of property.

(j) "Special equipment" means any vehicle, the primary carrying capacity of which is occupied by mounted machinery.

3. *Collections of property; availability and restrictions.* (a) Before attempting collection of property, a common carrier shall make definite arrangements with the shipper thereof as to the time when and the place where the property will be available for collection.

(b) No common carrier shall collect, or cause the collection of, property at any time except:

(1) Between the hours of 7 a.m. and 5:30 p.m. on any Monday, Tuesday, Wednesday, Thursday, or Friday, and then only when the order for the collection thereof is received by the carrier prior to 2 p.m. of such day; or

(2) Between the hours of 7 a.m. and 12 noon on any Saturday and then only when the order for the collection thereof is received by the carrier prior to 12 noon of such day.

(c) No common carrier shall make, or cause to be made, more than one collection of property from any one dock, warehouse, or other collection point, for the account of any one shipper in any one calendar day: *Provided,* That the collection of truckload traffic, as defined in subparagraph (g) of paragraph 2 of this order, shall not be subject to the restriction of this subparagraph (c).

4. *Designation of collection point; preparation of property for shipment.* No common carrier shall attempt the collection of property from a shipper unless and until the shipper, prior to the time agreed upon by the carrier and shipper for the collection of such property, shall have:

(a) Designated the point at which the property will be available for collection;

(b) Prepared the property for shipment including, in respect of two or more shipments, the segregation and separation of such shipments to permit prompt checking and identification by the carrier; and

(c) Placed the property for collection at the point so designated.

5. *Failure to prepare property for shipment; collection deferred.* Whenever a shipper fails, prior to the time agreed upon by the carrier and shipper, to prepare and place property for collection in the manner specified in paragraph 4 of this order, no common carrier shall collect, or cause the collection, the property thereafter during the same calendar day.

6. *Restrictions on deliveries.* (a) No common carrier shall deliver, or cause the delivery of, property at any time except:

(1) Between the hours of 7 a.m. and 5:30 p.m. on any Monday, Tuesday, Wednesday, Thursday, or Friday;

(2) Between the hours of 7:00 a.m. and 12 noon on any Saturday.

(b) When delivering two or more shipments to a consignee at one time, the common carrier shall segregate or separate such shipments to permit prompt checking and identification of such shipments by the consignee.

(c) In effecting deliveries of property no common carrier shall:

(1) Sort or separate any shipment as to sizes, brands, flavors, or other characteristics, for the use of the consignee; or

(2) Deliver a single shipment, or part thereof, to more than one receiving point on or within the premises of the consignee.

(d) No common carrier shall make, or cause to be made, more than one delivery of property to any one destination point for the account or benefit of any one consignee in any one calendar day: *Provided,* That the delivery of truckload traffic, as defined in subparagraph (g) of paragraph 2 of this order, shall not be subject to the restriction of this subparagraph (d).

7. *Placement of vehicles for collections or deliveries; restrictions.* No common carrier for the purpose of collecting or delivering property shall place, or spot, or cause to be placed or spotted, or permit or allow to remain, any vehicle on, at, or near the premises of a shipper or consignee (or other point or place designated by agreement for the collection or delivery of property) at any time during which collections, by virtue of the terms of paragraph 3 of this order, or deliveries, by virtue of the terms of paragraph 6 of this order, are prohibited.

8. *Truckload deliveries; notification of consignee.* A common carrier shall notify the consignee as to any truckload consignment before delivery thereof is attempted in order that the consignee may make provision for the prompt unloading of the vehicle or vehicles.

9. *Places for collections and deliveries of property.* Collections and deliveries of property shall be made only at places which physically are accessible to vehicles. Loading and unloading of vehicles shall be limited to places customarily used in collecting and delivering property at docks or street level.

10. *Prohibited collections and deliveries; which may be made.* (a) A common carrier, while making any collection or delivery not prohibited by the terms of the foregoing paragraphs of this order, may make any collection or delivery which is made without operating the collecting or delivering vehicle any additional distance.

(b) A common carrier, who actually has commenced the collection of property at a shipper's dock, warehouse, or other point where the property is available as defined in paragraph 4 of this order, within the time not prohibited by the terms of paragraph 3 of this order, may complete the collection of such property: *Provided,* That the time required to complete such collection does not exceed an additional half hour from said 5:30 p.m. or said 12 noon, as the case may be.

(c) A common carrier, who actually has commenced the delivery of property at the premises of a consignee within the time not prohibited by the provisions of paragraph 6 of this order, may complete the delivery of such property.

11. *Exemptions.* The provisions of this order shall not apply in respect of:

(a) Any shipment of property, the expedited movement of which is necessary to meet the needs of the military or naval forces of the United States, the United States Maritime Commission, or the War Shipping Administration;

(b) Any shipment consisting of household goods as defined in General Order ODT 43 (9 F.R. 3261);

(c) Any shipment of medicines or other supplies or equipment, the expedited movement of which is necessary for the protection or preservation of life, health, or public safety;

(d) Any shipment of property, the transportation of which requires special equipment;

(e) Any shipment of livestock;

(f) Any shipment of property, the transportation of which requires the use of a mounted tank or tanks;

(g) Any shipment of property moving in the express service of any common carrier by express subject to the provisions of Part I of the Interstate Commerce Act;

(h) Any shipment of property during the course of its transfer between the terminals of carriers incidental to line-haul service; and

(i) Any shipment of perishable commodities, the expedited movement of which is necessary to prevent spoilage or other damage from deterioration.

12. *Filing of tariffs.* Every common carrier required by law to file tariffs of rates, charges, rules, regulations, and practices forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operation affected by this order, and publish and file in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in the rules, regulations, and practices of the carriers which may be necessary to accord with the provisions of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

13. *Carrier not relieved from other laws or regulations.* The provisions of this order shall not be so construed or applied as to authorize or require any act or omission which is in violation of any law or regulation, including any general order or other requirement of the Office of Defense Transportation.

14. *Special permits.* The provisions of this order shall be subject to any special permit issued by the Office of Defense Transportation to meet specific needs or exceptional circumstances, or to prevent undue hardship. Application for a special permit shall be made in conformity with the provisions of Administrative Order ODT 14 (9 F.R. 1184).

15. *Communications.* Communications concerning this order should refer

to it by the special order number which appears in the caption on page 1 hereof, and unless otherwise directed should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective February 16, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

(Title III of the Second War Powers Act, 1942, as amended, 56 Stat. 177, 50 U.S.C. 633, Pub. Law 509, 78th Cong.; E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; War Production Board Directives 21 and 36, as amended, 8 F.R. 5834, 9 F.R. 6989, 10 F.R. 698)

NOTE: The recording and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Washington, D. C. this 12th day of February 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-2428; Filed, Feb. 12, 1945; 10:01 a. m.]

[Special Order ODT E-10]

SAN ANTONIO, TEX., AREA

ORDER EXPEDITING COLLECTION AND DELIVERY OF LINE-HAUL SHIPMENTS

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Orders 8989, as amended, and 9156, and War Production Board Directives 21 and 36, as amended, and in order to conserve and providently utilize vital transportation equipment, materials, and supplies, and to provide for the continuous and expeditious movement of necessary traffic by common carriers of property, the attainment of which purposes is essential to the successful prosecution of the war, and being satisfied that the fulfillment of the requirements for the defense of the United States has resulted and will result in a shortage in the supply of motor transportation equipment, materials, and supplies for defense, and for private account and for export, and it being deemed necessary and appropriate in the public interest and to promote the national defense, it is hereby ordered, that:

1. *Applicability.* The provisions of this order shall be applicable only to the collection and delivery by or for the account of common carriers in the San Antonio Area of shipments of property transported in line-haul service.

2. *Definitions.* As used in this order, the term:

(a) "San Antonio Area" means and includes the municipality of San Antonio, Texas, and the territory immediately adjacent thereto and commercially a part thereof.

(b) "Common carrier" or "carrier" means any person which holds itself out to engage in the transportation of property for the general public in line-haul service for compensation, regardless of the designation of such person under any Federal or State statute.

(c) "Person" means any individual, partnership, corporation, association, joint-stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative, and includes any department or agency of the United States, any State, the District of Columbia, or any other political, governmental or legal entity.

(d) "Line-haul service" means the transportation of property by any facility of transportation between a point within the San Antonio Area and a point outside that area.

(e) "Collection" or "collect" means taking possession of property at a shipper's dock, warehouse, or other point where the property is available for loading for transportation and includes the acceptance of property from the shipper, or the shipper's agent, at the terminal or other facility maintained by the carrier for the acceptance of property.

(f) "Delivery" or "deliver" means relinquishing possession of property at the consignee's dock, warehouse, or other point which the consignee has designated for receiving delivery of the property and includes acceptance of the property by the consignee, or the consignee's agent, at the terminal or other facility maintained by the carrier for the delivery of property.

(g) "Truckload traffic" means a shipment moving from one consignor to one consignee in one day under a truckload or volume rate, subject to a stated minimum weight of not less than 10,000 pounds, and covered by one bill of lading.

(h) "Property" means anything, except persons and their personal baggage, capable of being transported by vehicle.

(i) "Vehicle" means any facility capable of being used for the transportation of property.

(j) "Special equipment" means any vehicle, the primary carrying capacity of which is occupied by mounted machinery.

3. *Collections of property; availability and restrictions.* (a) Before attempting collection of property, a common carrier shall make definite arrangements with the shipper thereof as to the time when and the place where the property will be available for collection.

(b) No common carrier shall collect, or cause the collection of, property at any time except:

(1) Between the hours of 8 a. m. and 5 p. m. on any Monday, Tuesday, Wednesday, Thursday, or Friday, and then only when the order for the collection thereof is received by the carrier prior to 2 p. m. of such day; or

(2) Between the hours of 8 a. m. and 2 p. m. on any Saturday and then only when the order for the collection thereof is received by the carrier prior to 12 noon of such day.

(c) No common carrier shall make, or cause to be made, more than one collection of property from any one dock, warehouse, or other collection point, for the account of any one shipper in any one calendar day: *Provided,* That the collection of truckload traffic, as defined in subparagraph (g) of paragraph 2 of this order, shall not be subject to the restriction of this subparagraph (c).

4. *Designation of collection point; preparation of property for shipment.* No common carrier shall attempt the collection of property from a shipper unless and until the shipper, prior to the time agreed upon by the carrier and shipper for the collection of such property, shall have:

(a) Designated the point at which the property will be available for collection;

(b) Prepared the property for shipment including, in respect of two or more shipments, the segregation and separation of such shipments to permit prompt checking and identification by the carrier; and

(c) Placed the property for collection at the point so designated.

5. *Failure to prepare property for shipment; collection deferred.* Whenever a shipper fails, prior to the time agreed upon by the carrier and shipper, to prepare and place property for collection in the manner specified in paragraph 4 of this order, no common carrier shall collect, or cause the collection of, the property thereafter during the same calendar day.

6. *Restrictions on deliveries.* (a) No common carrier shall deliver, or cause the delivery of, property at any time except:

(1) Between the hours of 8 a. m. and 5 p. m. on any Monday, Tuesday, Wednesday, Thursday, or Friday;

(2) Between the hours of 8 a. m. and 2 p. m. on any Saturday.

(b) When delivering two or more shipments to a consignee at one time, the common carrier shall segregate or separate such shipments to permit prompt checking and identification of such shipments by the consignee.

(c) In effecting deliveries of property no common carrier shall:

(1) Sort or separate any shipment as to sizes, brands, flavors, or other characteristics, for the use of the consignee; or

(2) Deliver a single shipment, or part thereof, to more than one receiving point on or within the premises of the consignee.

(d) No common carrier shall make, or cause to be made, more than one delivery of property to any one destination point for the account or benefit of any one consignee in any one calendar day: *Provided,* That the delivery of truckload traffic, as defined in subparagraph (g) of paragraph 2 of this order, shall not be subject to the restriction of this subparagraph (d).

7. *Placement of vehicles for collections or deliveries; restrictions.* No common carrier for the purpose of collecting or delivering property shall place, or spot, or cause to be placed or spotted, or permit or allow to remain, any vehicle on, at, or near the premises of a shipper or consignee (or other point or place designated by agreement for the collection or delivery of property) at any time during which collections, by virtue of the terms of paragraph 3 of this order, or deliveries, by virtue of the terms of paragraph 6 of this order, are prohibited.

8. *Truckload deliveries; notification of consignee.* A common carrier shall notify the consignee as to any truckload consignment before delivery thereof is attempted in order that the consignee may make provision for the prompt unloading of the vehicle or vehicles.

9. *Places for collections and deliveries of property.* Collections and deliveries of property shall be made only at places which physically are accessible to vehicles. Loading and unloading of vehicles shall be limited to places customarily used in collecting and delivering property at docks or street level.

10. *Prohibited collections and deliveries; when may be made.* (a) A common carrier, while making any collection or delivery not prohibited by the terms of the foregoing paragraphs of this order, may make any collection or delivery which is made without operating the collecting or delivering vehicle any additional distance.

(b) A common carrier, who actually has commenced the collection of property at a shipper's dock, warehouse, or other point where the property is available as defined in paragraph 4 of this order, within the time not prohibited by the terms of paragraph 3 of this order, may complete the collection of such property: *Provided,* That the time required to complete such collection does not exceed an additional half hour beyond the time specified in said paragraph 3.

(c) A common carrier, who actually has commenced the delivery of property at the premises of a consignee within the time not prohibited by the provisions of paragraph 6 of this order, may complete the delivery of such property.

11. *Exemptions.* The provisions of this order shall not apply in respect of:

(a) Any shipment of property, the expedited movement of which is necessary to meet the needs of the military or naval forces of the United States, the United States Maritime Commission, or the War Shipping Administration;

(b) Any shipment consisting of household goods as defined in General Order ODT 43 (9 F.R. 3261);

(c) Any shipment of medicines or other supplies or equipment, the expedited movement of which is necessary for the protection or preservation of life, health, or public safety;

(d) Any shipment of property, the transportation of which requires special equipment;

(e) Any shipment of livestock;

(f) Any shipment of property, the transportation of which requires the use of a mounted tank or tanks;

(g) Any shipment of property moving in the express service of any common carrier by express subject to the provisions of Part I of the Interstate Commerce Act;

(h) Any shipment of property during the course of its transfer between the terminals of carriers incidental to line-haul service; and

(i) Any shipment of perishable commodities, the expedited movement of which is necessary to prevent spoilage or other damage from deterioration.

12. *Filing of tariffs.* Every common carrier required by law to file tariffs of rates, charges, rules, regulations, and practices forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operation affected by this order, and publish and file in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in the rules, regulations, and practices of the carriers which may be necessary to accord with the provisions of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

13. *Carrier not relieved from other laws or regulations.* The provisions of this order shall not be so construed or applied as to authorize or require any act or omission which is in violation of any law or regulation, including any general order or other requirement of the Office of Defense Transportation.

14. *Special permits.* The provisions of this order shall be subject to any special permit issued by the Office of Defense Transportation to meet specific needs of exceptional circumstances, or to prevent undue hardship. Application for a special permit shall be made in conformity with the provisions of Administrative Order ODT 14 (9 F.R. 1184).

15. *Communications.* Communications concerning this order should refer to it by the Special Order number which appears in the caption on page 1 hereof, and unless otherwise directed should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective February 16, 1945, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

(Title III of the Second War Powers Act, 1942, as amended, 56 Stat. 177, 50 U.S.C. 633, Pub. Law 509, 78th Congress; E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; War Production Board Directives 21 and 36, as amended, 8 F.R. 5834, 9 F.R. 6989, 10 F.R. 698)

NOTE: The recording and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Washington, D. C., this 12th day of February 1945.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 45-2429; Filed, Feb. 12, 1945; 10:01 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 188, Amdt. 70 to Order A-1]

GYPSUM WALL BOARD, LATH AND SHEATHING AND LAMINATED GYPSUM BOARD PRODUCTS

MODIFICATION OF MAXIMUM PRICES

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Paragraph (a) (53) is added to Order A-1 to read as follows:

(53) *Modification of maximum prices for gypsum wall board, lath and sheathing*—(i) *Manufacturers' sales.* Manufacturers' sales of gypsum wall board, lath and sheathing or laminated gypsum board products may be made at prices not exceeding their maximum domestic prices f. o. b. mill as established for them under Maximum Price Regulation 188 plus freight to port of exit when the following conditions have been met:

(*a*) Shipment is made from a mill located within the States of Indiana, Iowa, Michigan, Ohio, New York, Massachusetts, Pennsylvania, and Virginia.

(*b*) The sale must be made to the government of the United States or any agency thereof or to the government or any agency thereof of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States."

(c) The gypsum wall board, lath or sheathing or laminated gypsum board products must be destined for export sale to be shipped from a port on the eastern U. S. Coast.

(ii) *Reports.* Every manufacturer making sales subject to this paragraph (53) shall submit on or before the 15th day of each month after February 15, 1945, to the Office of Price Administration, Building Materials Price Branch, Washington 25, D. C., a monthly report showing the following for each such sale:

Purchasing agency.
Point of origin of shipment and port of exit.
Kind, quantity, and thickness sold.
Destination of shipment if known.

(iii) This subparagraph (53) may be revoked at any time.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in acccordance with the Federal Reports Act of 1942.

This Amendment No. 70 shall become effective February 15, 1945.

Issued this 10th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2398; Filed, Feb. 10, 1945; 12:03 p. m.]

[MPR 170, Amdt. 1 to Order 9]

PETROLEUM SPECIALTY CO.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and

in accordance with § 1412.13 (j) of Maximum Price Regulation No. 170, Order No. 9 is amended by changing the effective date clause to read as follows:

This order shall become effective December 18, 1944, and shall, unless earlier revoked or replaced, expire at 12 o'clock midnight, March 15, 1945.

This amendment shall become effective February 15, 1945.

Issued this 10th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2404; Filed, Feb. 10, 1945; 12:02 p. m.]

[Supp. Order 94, Amdt. 1 to Order 16]

UNITED STATES TREASURY DEPARTMENT, PROCUREMENT DIVISION

SPECIAL MAXIMUM PRICES FOR CERTAIN DOUBLE DECK BUNKS, COTS, MATTRESSES AND HOSPITAL BEDS

An opinion accompanying this amendment has been issued simultaneously herewith.

Order No. 16 under Supplementary Order No. 94 is amended in the following respects:

1. The descriptions of the folding canvas cots set forth in paragraph (b) (1) are amended to read as follows:

New folding canvas cot with wood frame. Including but not limited to cots identified as Stock No. 99205.

Used folding canvas cot with wood frame. Including but not limited to cots identified as Stock No. 99205.

This a[illegible]dment shall become effective February 12, 1945.

Issued this 10th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2405; Filed, Feb. 10, 1945; 12:03 p. m.]

[MPR 188, Order 3384]

DIAMOND TOOL CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of a bicycle motor described in the January 4, 1945 application of the Diamond Tool Company, 3429 East Olympic Boulevard, Los Angeles 23, California, as follows:

(1) (i) For all sales and deliveries by the manufacturer to Whizzer Motor Company since Maximum Price Regulation No. 188 became applicable to those sales, the maximum price is $69.47 each f. o. b. factory.

(ii) For all sales and deliveries by the manufacturer to any other purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the Office of Price Administration, Washington, D. C., under the fourth pricing method, § 1499.158 of Maximum Price Regulation No. 188 for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order by Whizzer Motor Company, 9000 Sunset Boulevard, Los Angeles 46, California, and any other person other than the manufacturer, to the following classes of purchasers, the maximum prices are those set forth below:

Article	Maximum price to jobbers	Maximum price to dealers	Maximum price to consumers
Whizzer bicycle motor	*Each* $75	*Each* $87.50	*Each* $125

These maximum prices for sales to jobbers and dealers are subject to the seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles to each class of purchaser. The maximum price for sales to consumers is a delivered price.

(ii) For all sales and deliveries by Whizzer Motor Company and by other persons other than the manufacturer to any other class of purchaser, or on other terms and conditions of sale, the maximum prices shall be those determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser for resale on and after the effective date of this order, the manufacturer and every other seller to a purchaser for resale shall notify the purchaser of maximum prices and conditions established by this order for resales by the purchaser. This notice may be given in any convenient form.

(c) The Whizzer Motor Company shall attach a tag to every bicycle motor for which a maximum price is established by this order which is shipped to a purchaser for resale on and after the effective date of this order. Such tag shall contain the following statement:

OPA Retail Ceiling Price—$125.00.
This tag may not be removed before delivery to the consumer.

(d) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 12th day of February 1945.

Issued this 10th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2401; Filed, Feb. 10, 1945; 12:04 p. m.]

[MPR 188, Order 3385]

QUINCO PRODUCTS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, it is ordered:

(a) *Maximum prices.* The maximum prices for all sales and deliveries by the manufacturer, by jobber and by retailers, to the classes of purchasers specified below, of the cigarette maker manufactured by Quinco Products, 7337 Emanon, Dearborn, Michigan, are those set forth below:

Article	Model	Maximum price to jobbers	Maximum price to retailers	Maximum price to consumers
Cigarette roller	None	*Per doz.* $1.89	*Per doz.* $2.52	*Each* $0.35

These maximum prices are for the article described in the manufacturer's application dated December 22, 1944. Sales by the manufacturer are f. o. b. factory, subject to a cash discount of 2% for payment in ten days, net thirty days. Sales by all other persons are subject to the seller's customary terms, discounts, allowances and other price differentials to each class of purchaser.

(b) *Notification.* At the time of or prior to the first invoice to each purchaser for resale, the seller shall notify the purchaser, in writing, of the maximum prices and conditions established by this order for such resales.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 12th day of February 1945.

Issued this 10th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2402; Filed, Feb. 10, 1945; 12:04 p. m.]

[MPR 188, Order 3386]

ZENITH ELECTRIC CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) The maximum prices for all sales and deliveries by the Zenith Electric Company, 120 Broadway, New York, New York of "Lunch-Maker" Model No. 101 of its manufacture, as described in its application date January 31, 1945, are as follows:

Article	Model	Maximum price to jobber	Maximum price to retailer (6 units or more)	Maximum price to retailer (less than 6 units)
Lunch-maker set	#101	*Each* $5.15	*Each* $6.12	*Each* $6.60

These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days. They include the Federal Excise Tax.

(b) The maximum prices for all sales and deliveries at wholesale for the lunch-maker set described in paragraph (a) above shall be the prices set forth below as follows:

Article	Model	Maximum price to retailer (6 units or more)	Maximum price to retailer (less than 6 units)
Lunch-maker set	$101	*Each* $6.12	*Each* $6.60

These prices are f. o. b. seller's city and are subject to terms, discounts and allowances no less favorable than those customarily granted by the seller. They include the Federal Excise Tax.

(c) The maximum prices for a sale at retail of the lunch-maker set described in paragraph (a) above shall be as follows:

Article	Model	Maximum price to user
Lunch-maker set	#101	*Each* $9.98

This price includes the Federal Excise Tax.

(d) On each lunch-maker set shipped to a purchaser for resale the manufacturer shall attach a tag or label which plainly states the retail selling price. Such tag or label shall contain the following statement: "Model No. 101—$9.98 each. OPA Maximum Selling Price." This tag shall not be removed before delivery to the consumer.

(e) At the time of he first invoice, the manufacturer shall notify in writing each purchaser who buys from it of the maximum prices established by this order for resales by the purchaser; and every jobber who sells an article covered by this order to another jobber shall notify that purchaser in writing of the maximum prices established by this order for resales by that purchaser. This written notice may be given in any convenient form.

(f) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(g) This order No. 3386 may be revoked or amended by the Price Administrator at any time.

This order No. 3386 shall become effective on the 10th day of February 1945.

Issued this 10th day of February 1945.

JAMES F. BROWNLEE,
Acting Administrator.

[F. R. Doc. 45-2403; Filed, Feb. 10, 1945; 12:05 p. m.]

[MPR 260, Order 594]

EMANUEL GRACIA CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260: *It is ordered*, That:

(a) Emanuel Gracia Cigar Factory, 915 15th Avenue, Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
El Fauria	Corona	50	*Per M* $56	*Cents* 7

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark or domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective Feb-12, 1945.

Issued this 10th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2399; Filed, Feb. 10, 1945; 12:04 p. m.]

[MPR 260, Order 595]

FREDDIE PINERO CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is order*, That:

(a) Freddie Pinero Cigar Factory, 1714 13th Avenue, Tampa 5, Fla. (hereinafter called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
Chiqui	Special Breva	50	*Per M* $72	*Cents* 9
	Brevas	50	56	7
	Coronas	50	169	22

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March

1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260 shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective February 12, 1945.

Issued this 10th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2400; Filed, Feb. 10, 1945; 12:04 p. m.]

[MPR 64, Order 167]

GIBSON REFRIGERATOR CO.

APPROVAL OF MAXIMUM PRICES

Correction

In F.R. Doc. 45-2142, which appears on page 1622 of the issue for Wednesday, February 7, 1945, the four headings for the table in paragraph (a) (2) should read Zone 1, Zone 2, Zone 3, and Zone 4 respectively.

Regional and District Office Orders.

[Region I Order G-70 Under RMPR 122, Amdt. 26]

SOLID FUELS IN BOSTON REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122, Region I Order No. G-70 under Revised Maximum Price Regulation No. 122, is amended in the following respects:

The provision for "East Bear Ridge" in subparagraph (2) of paragraph (e) is amended to read as follows:

Kind and size	Amount of addition			
	Per net ton	Per ½ ton	Per ¼ ton	Per 100 pounds
EAST BEAR RIDGE				
Broken, egg, stove, and chestnut	$0.90	$0.45	$0.20	$0.05
Pea	.65	.35	.15	None
Buckwheat No. 1	.50	.25	.15	None
Rice	.45	.25	.15	None

NOTE: The prices set forth above shall be effective only until March 31, 1945, inclusive. Thereafter, the prices for "East Bear Ridge" shall be those provided by Amendment No. 13 to Order G-70.

This Amendment No. 26 shall become effective as of January 17, 1945.

Issued this 26th day of January 1945.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 45-2345; Filed, Feb. 9, 1945; 1:58 p. m.]

[Region III Rev. Order G-5 Under RMPR 122, Amdt. 3]

SOLID FUELS IN AKRON, OHIO, AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, *It is hereby ordered*, That paragraph (c) (1), Part III and paragraph (1) (2) of the subject order be amended to read as follows:

(c) * * *
(1) * * *

Column I	Column II	Column III	Column IV
III. High Volatile Bituminous Coals from Producing District No. 3 (north central W. Va. excluding Panhandle) A, Lump or Egg, Size Group No. 1 (bottom size larger than 2") Mine Price Classifications D and E:			
1. From the Chrostopher Mine No. 6, Mine Index No. 4	7.50	7.25	6.25
2. From all other mines	7.40	7.15	6.15

* * * * *

(1) * * *

(2) Every person selling solid fuels subject to this order shall, either at the time of, or within thirty days after the date of a sale or delivery of solid fuels governed by this order, give to his purchaser an invoice, sales slip or receipt, and shall keep an exact copy thereof for so long as this order is in effect or for so long as the Emergency Price Control Act of 1942, as amended, shall permit, whichever period is longer, showing the following information:

The name and address of the seller and the purchaser; the kind, size, and quantity of the solid fuels sold, the date of the sale or delivery and the price charged. In addition, he shall separately state on each such invoice, sales slip or receipt, the amount, if any, of the required discounts, authorized service charges and taxes which must be deducted from or which may be added to the established maximum prices: *Provided*, That a dealer who is authorized to make a special service charge for chemical or oil treatment of coal need not separately state the amount of such service charge if he clearly indicates on the invoice that such coal is so treated: *And further provided:* That provisions of this paragraph (2) shall not apply to sales of solid fuels in less than quarter ton lots unless requested by purchaser.

This Amendment No. 3 to Revised Order No. G-5 under Revised Maximum Price Regulation No. 122 shall become effective December 8, 1944.

(56 Stat. 23, 765, 57 Stat. 566, Pub. Laws 383, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued December 8, 1944.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 45-2346; Filed, Feb. 9, 1945; 1:57 p. m.]

[Region IV Rev. Order G-18 Under RMPR 122, Amdt. 1]

SOLID FUELS IN COBB AND CHEROKEE COUNTIES, GA.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122, new subdivisions numbered (c) (2) (vii) and (c) (2) (viii) are added to Revised Order No. G-18 under Revised Maximum Price Regulation No. 122, issued by the Atlanta Regional Office August 29, 1944 as follows:

(vii) *Adjustments for reallocation of supply source by SFAW.* (*a*) In the event the Solid Fuels Administrator for War allocates coal to the area covered by this order from a new source of supply having a higher delivered cost to the dealer, a dealer purchasing such coal and offering the same for sale to consumers may file an application for adjustment of the prices set by this order to compensate for such higher delivered cost. Such application shall be filed in duplicate with the Atlanta District Office, Office of Price Administration, Atlanta, Georgia. Each application so filed shall set forth the following:

(*1*) The size of the coal purchased from the new supply source;

(2) The normal source of his supply of that size of coal (including mine index number), mine cost of such coal, and freight cost (per ton) as of October and November, 1944;

(*3*) The new supply source of that size of coal (including mine index number), mine cost of such coal, and freight cost (per ton) thereof;

(*4*) The difference in the delivered cost (mine cost plus freight) of the coal from the normal source of supply and the delivered cost of the coal from the new source of supply;

(*5*) The increase proposed to be added by the dealer (which may not exceed the amount of cost differential required to be shown under part (*4*) of this inferior subdivision (*a*)), stated on a per ton basis, and also for such less than one ton selling lots as are customarily sold by the dealer.

(*b*) The increase requested by the applicant shall not be added to the prices established by this order until the District Price Executive of the Atlanta District Office, by letter, acknowledges receipt thereof. If such letter contains a request for additional information or for correction of errors in the application,

the increase requested shall not be used until the dealer has furnished such information or made such correction and has received acknowledgment thereof from the District Price Executive. The increase may be added, however, if no acknowledgment or request for additional information or for correction of the application shall have been mailed to the applicant within 10 days from the date of mailing of the application or of the requested additional or corrective information to the Atlanta District Office.

(c) The Regional Administrator of the Atlanta Regional Office may at any time disapprove, correct, or modify any requested increase, but such disapproval, correction, or modification shall not be retroactive.

(d) A dealer, in order to make any additions permitted by this paragraph, must show the increase as a separate charge on the customer's invoice or sales ticket, bearing the notation "Increase because of SFAW reallocation of supply source".

(viii) *Pricing of new sizes of coal from new supply source allocated by SFAW.* (a) In the event the Solid Fuels Administrator for War allocates coal to the area covered by this order from a new source of supply, and in the event the coal purchased by a dealer from such new supply source is of a size different from the sizes for which prices are set by this order, the maximum price for such different size of coal shall be a price established hereunder upon request for the establishment of such price by the dealer. No such coal may be sold or offered for sale until a price therefor has been established in accordance with the provisions of this subdivision (c) (2) (viii). The request for establishment of such price shall be filed in duplicate with the Atlanta Regional Office, Office of Price Administration, Solid Fuels Branch, Candler Building, Atlanta 3, Georgia, and shall set forth the following:

(1) The size of the coal purchased from the new supply source;

(2) The supply source of that size of coal (including mine index number), mine cost of such coal, and freight cost (per ton) thereof;

(3) The size of the coal purchased from the dealer's normal source of supply, (and having a price established therefor by this order), having a mine cost most nearly equal to the mine cost of the new size from the new supply source; the source of supply of that size of coal (including Mine Index Number), mine cost of such coal, and freight cost (per ton) thereof;

(4) The requested price for the new size from the new supply source (which shall not exceed the mine cost, plus delivery cost, plus the dealer's normal mark-up).

(b) The price requested by the applicant shall not be used by the dealer until the Regional Price Executive, by letter, acknowledges receipt thereof. If such letter contains a request for additional information or for correction of errors in the application, the price shall not be used until the dealer has furnished such information or made such correction and has received acknowledgment thereof from the Regional Price Executive. The price may be used, however, if no acknowledgment or request for additional information or for correction of the application shall have been mailed to the applicant within 10 days from the date of mailing of the application or of requested additional or corrective information to the Regional Office.

(c) The Regional Administrator of the Atlanta Regional Office may at any time disapprove, correct, or modify any requested price, but such disapproval, correction, or modification shall not be retroactive.

This Amendment No. 1 to Revised Order G–18 under Revised Maximum Price Regulation No. 122 shall become effective January 30, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued January 25, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45–2347; Filed, Feb. 9, 1945; 1:57 p. m.]

[Region VI Order G–52 Under MPR 329]

FLUID MILK IN BISMARCK AND MANDAN, NORTH DAK.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.408 (a) of Maximum Price Regulation No. 329, it is ordered:

(a) *Maximum producer prices.* The maximum price which distributors in Bismarck and Mandan, North Dakota, may pay to producers for milk sold for human consumption in fluid form shall be $2.70 per cwt. for milk having a butterfat content of 3.5%, plus not more than 5¢ for each 1/10 of a pound of butterfat in excess of 3.5% and minus not less than 5¢ for each 1/10 of a pound below 3.5%.

(b) *Applicability of producer prices.* Maximum prices established by paragraph (a) of this order shall apply to all purchases of milk from producers for resale for human consumption in fluid form by distributors whose bottling plants are located within the city limits of Bismarck and Mandan, North Dakota, or who sell within such communities 50% or more of the milk sold by them.

(c) *Definitions.* Unless the context otherwise requires, the definitions set forth in Maximum Price Regulation No. 329 and the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(d) *Relation to Office of Price Administration regulations.* No purchaser shall pay a larger proportion of transportation costs incurred in the delivery or supply of milk than he paid in January 1943. Except as modified by this order, the provisions of Maximum Price Regulation No. 329 shall remain in full force and effect and shall not be evaded by any change in the customary delivery practices or other business or trade practices in effect in January 1943.

(e) *Revocability.* This order may be revoked, amended or corrected at any time.

This order shall become effective February 1, 1945.

This order has been approved by the Midwest Field Representative, Dairy & Poultry Branch, Office of Distribution of the War Food Administration.

Issued this 31st day of January 1945.

RAE E. WALTERS,
Regional Administrator.

[F. R. Doc. 45–2348; Filed, Feb. 9, 1945; 1:57 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register February 6, 1945.

REGION I

Boston Order 1–O, covering eggs in the State of Massachusetts, filed 9:24 a. m.

Boston Order 1–W, Amendment 5, covering poultry in certain areas in the State of Massachusetts, filed 10:24 a. m.

Providence Order 2–W, Amendment 4, covering community food prices in the State of Rhode Island, filed 10:23 a. m.

REGION III

Toledo Order 10–C, covering community food prices in the Toledo area, filed 10:23 a. m.

REGION VI

Chicago Order 2–F, Amendment 43, covering fresh fruits and vegetables in certain counties in Illinois and Indiana, filed 9:39 a. m.

Des Moines Order 1–F, Amendment 49, covering fresh fruits and vegetables in certain areas in Des Moines, filed 10:24 a. m.

Milwaukee Order 2–F, Amendment 52, covering fresh fruits and vegetables in Dane County, Wis., filed 9:39 a. m.

Milwaukee Order 7–F, Amendment 2, covering fresh fruits and vegetables in Racine and Kenosha, filed 9:39 a. m.

Sioux City Order 2–F, Amendment 54, covering fresh fruits and vegetables in certain areas in Iowa and Nebraska, filed 10:22 a. m.

REGION VII

Albuquerque Order 8–F, covering fresh fruits and vegetables in certain areas in New Mexico, filed 9:38 a. m.

Albuquerque Order 9–F, covering fresh fruits and vegetables in certain cities in New Mexico, filed 9:38 a. m.

Albuquerque Order 10–F, covering fresh fruits and vegetables in certain cities in New Mexico, filed 9:37 a. m.

Albuquerque Order 11–F, covering fresh fruits and vegetables in certain areas in New Mexico, filed 9:36 a. m.

Albuquerque Order 12–F, covering fresh fruits and vegetables in certain areas in New Mexico, filed 9:35 a. m.

REGION VIII

Los Angeles Order 1–O, covering community food prices in certain counties in California, filed 10:25 a. m.

Los Angeles Order 2–O, covering community food prices in the San Luis Obispo area, filed 10:25 a. m.

Los Angeles Order 15, covering community food prices in the San Luis Obispo area, filed 10:24 a. m.

Los Angeles Order 17, covering community food prices in certain communities in California, filed 10:25 a. m.

San Francisco Order F–1, Amendment 51, covering fresh fruits and vegetables in certain cities and counties in California, filed 9:34 a. m.

San Francisco Order O–1, Amendment 2, covering eggs in certain areas in the State of California, filed 9:28 a. m.

San Francisco Order F–2, Amendment 44, covering fresh fruits and vegetables in certain cities in California, filed 9:35 a. m.

San Francisco Order F–3, Amendment 43, covering fresh fruits and vegetables in certain cities in California, filed 9:31 a. m.

San Francisco Order F–4, Amendment 42, covering fresh fruits and vegetables in certain cities of California, filed 10:25 a. m.

San Francisco Order F–5, Amendment 41, covering fresh fruits and vegetables in certain cities in California, filed 10:26 a. m.

San Francisco Order F–6, Amendment 37, covering fresh fruits and vegetables in certain cities in California, filed 9:28 a. m.

San Francisco Order G–9, covering certain dry groceries in certain cities in California, filed 9:24 a. m.

San Francisco Order G–10, covering certain dry groceries in certain cities in California, filed 9:26 a. m.

San Francisco Order G–11, covering certain dry groceries in certain cities in California, filed 9:27 a. m.

San Francisco Order G–12, covering certain dry groceries in certain cities in California, filed 9:26 a. m.

Spokane Order 8–F, covering fresh fruits and vegetables in the Spokane area, filed 9:40 a. m.

Spokane Order 9–F, covering fresh fruits and vegetables in certain areas in the State of Idaho, filed 9:40 a. m.

Spokane Order 10–F, covering fresh fruits and vegetables in certain areas in the State of Idaho, filed 10:21 a. m.

Spokane Order 11–F, covering fresh fruits and vegetables in certain counties in Idaho and Washington, filed 10:21 a. m.

Spokane Order 13–F, covering fresh fruits and vegetables in certain counties in Washington, filed 10:22 a. m.

Spokane Order 14–F, covering fresh fruits and vegetables in certain counties in Washington, filed 10:22 a. m.

Spokane Order 37, covering dry groceries in certain counties in the State of Washington, filed 10:24 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45–2328; Filed, Feb. 9, 1945; 11:33 a. m.]

[Montgomery Order G–1 Under Restaurant MPR 2, Amdt. 1]

POSTING REQUIREMENTS IN MONTGOMERY, ALA., DISTRICT

An opinion accompanying this amendment has been issued simultaneously herewith. Order Number G–1 under Restaurant Maximum Price Regulation 2 is amended in the following respects:

The first sentence of section 1 is amended to read as follows:

SECTION 1. *Posting requirements.* If you own or operate an eating or drinking establishment you must, on or before August 16, 1944, or within 10 days after you begin operation, show on a poster, to be supplied by the Office of Price Administration, your lawful ceiling prices for forty (40) food items and meals as set forth in this order.

This Amendment Number 1 to Order Number G–1 under Restaurant Maximum Price Regulation 2 shall become effective February 1, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Rest. MPR–2, 9 F.R. 7263)

Issued this 29th day of January 1945.

A. H. COLLINS,
District Director.

[F. R. Doc. 45–2360; Filed, Feb. 10, 1945; 10:08 a. m.]

[Region V Order G–1 Under Gen. Order 50, Amdt. 6]

MALT BEVERAGES IN DESIGNATED SOUTHERN STATES

For the reasons set forth in the opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by General Order 50, the Region V Order G–1 under General Order 50, Maximum prices for malt beverages in designated Southern States, is amended as follows:

1. The list of brands in Table I in section 20, Appendix A, is amended to read as follows:

LIST OF BRANDS

Ballantine's Beer.
Barbarossa.
Bay State.
Blackhawk Topping.
Birk's Trophy.
Blatz Pilsener.
Budweiser.
Burger Brau.
Canadian Ace.
Chesterton Beer.
Commander Special Pilsener.
Coors.
Country Club.
Dick's Select Pilsner.
Dorquest.
Downs Arf and Arf.
Ehret's Extra.
Embassy Club.
Four Crown Special.
Fox Head Lager.
Fox Head—400.
Gen Pilsner.
Goebels.
Gold Coast.
Gold Medal Tivoli.
Grain Belt.
Haas Extra Pale.
Hamm's Preferred.
Heilman's O. S. Lager.
Heilman's O. S. Export.
Hillcrest.
Kato Pilsner.
Keeley Half and Half.
Kingsbury Pale.
Koenig's Brau.
Lambic Beer.
Lemp Black Label.
Metz Jubilee.
Miller's High Life.
Muehlbach Pilsener.
Old Brew.
Oltimer Beer.
Pabst Blue Ribbon.
Peerless Amber.
Peter Hand's Extra Pale.
Pilsener Club.
Pioneer Victory.
Port Premo.
Ruby.
Schlitz.
Silver Fox Deluxe.
Trim.
Ziegler's 520 Beer.

2. The list of brands in Table II in section 20, Appendix A, is amended to read as follows:

LIST OF BRANDS

ABC.
Acme Beer.
Acme Ale.
Alpen Brau.
Berlin Lager.
Birk's.
Blue Bonnet.
Bohemia (Domestic).
Burger Beer.
Burgomeister.
Capitol.
Champagne Velvet.
Cook's Goldblume.
Cream Top.
Crown Select.
Dick's Pilsener.
Dixie.
Downs.
Downs Beer and Ale.
Eagle.
Edelweiss.
Eulberg.
Falstaff.
Fischback.
Flock Beer.
Fortune.
4 X.
Fox Deluxe.
Gold Crest.
Gold Label.
Gold Medal.
Gold Seal.
Grand Prize.
Griesidieck.
Hapsburg.
Harry Mitchell Lager.
Harry Mitchell Premium.
High Brau.
Highland.
Hyde Park.
Jax.
Jefferson.
Jung's Pilsener.
Kato White Label.
Koller.
Lang.
Lemp Red Label.
Lion.
Lone Star.
Manhattan.
Medford Lager.
Miller's Export.
Monterrey (Domestic).
Old Gold.
Old Imperial.
Old King.
Pearl.
Pine Tree.
Pioneer.
Polo Beer.
Pom-Roy.
Prager.
Prima 3 Star.
Prima.
Prince of Pilsener.
Progress.
Regal.
Schmidt City Club.
Schott's Highland.
Shawano Club Beer.
Shiner.
Silver Cream.
Southern Select.
Staats.
Stag.
Standard Wirthbru.
Stern Brau.
Storck.
Topaz.
Town Club.
Trophy.
White Seal.

3. Table III in section 20, Appendix A, is amended to read as follows:

TABLE III.—MAXIMUM PRICES PER BOTTLE FOR THE RESPECTIVE CONTAINER SIZES FOR THE RESPECTIVE BRANDS OF MALT BEVERAGES LISTED IN THIS TABLE III

Brand	Group 1B		Group 2B		Group 3B	
	12-oz.	7-oz.	12-oz.	7-oz.	12-oz.	7-oz.
	Cts.	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*
Mexican Beer [1]	30	20	25	15	25	15
Van Merritt Beer	30	-----	25	-----	25	-----
Van Wyck Beer	30	-----	25	-----	25	-----
Acme Ale	30	-----	25	-----	20	-----
Ballantine's Ale	30	-----	25	-----	20	-----
Buckingham Ale	30	-----	25	-----	20	-----
Burger Ale	30	-----	25	-----	20	-----
Carling's Red Cap Ale	30	-----	25	-----	20	-----
Champ Ale	30	-----	25	-----	20	-----
Chesterton Ale	30	-----	25	-----	20	-----
Doran's Canadian Ale	30	-----	25	-----	25	-----
Lord Chumley Ale	30	-----	25	-----	20	-----
Pabst Ale	30	-----	25	-----	20	-----
Red Top Ale	30	-----	25	-----	20	-----
Twenty Grand Ale	30	-----	25	-----	20	-----

[1] "Mexican Beer" means all malt beverages produced in the Republic of Mexico. Prices for "Mexican Beer" shown in the 12-ounce column above include 12-ounce bottles and bottles of approximately 11 ounces. Prices for "Mexican Beer" shown in the 7-ounce column above include bottles of approximately 7 ounces commonly known as "splits."

4. The table showing brands of beers listed as being in Table I in section 21, Appendix B, is amended to read as follows:

BRANDS OF BEER LISTED IN TABLE I

Ballentine's Beer.
Barbarossa.
Bay State.
Blackhawk Topping.
Birk's Trophy.
Blatz Pilsener.
Budweiser.
Burger Brau.
Canadian Ace.
Chesterton Beer.
Commander Special Pilsener.
Coors.
Country Club.
Dick's Select Pilsner.
Dorquest.
Downs Arf and Arf.
Ehret's Extra.
Embassy Club.
Four Crown Special.
Fox Head Lager.
Fox Head—400.
Gem Pilsner.
Gold Coast.
Goebels.
Gold Medal Tivoli.
Grain Belt.
Haas Extra Pale.
Hamm's Preferred.
Heilman's O. S. Lager.
Heilman's O. S. Export.
Hillcrest.

Kato Pilsner.
Keeley Half and Half.
Kingsbury Pale.
Koenig's Brau
Lambic Beer.
Lemp Black Label.
Metz Jubilee.
Miller's High Life.
Muehlbach Pilsener.
Old Brew.
Oltimer Beer.
Pabst Blue Ribbon.
Peerless Amber.
Peter Hand's Extra Pale.
Pilsener Club.
Pioneer Victory.
Port Premo.
Ruby.
Schlitz.
Silver Fox Deluxe.
Trim.
Ziegler's 520 Beer.

5. The table showing brands of beer listed as being in Table II in section 21, Appendix B, is amended to read as follows:

BRANDS OF BEER LISTED IN TABLE II

ABC.
Acme Beer.
Acme Ale.
Alpen Brau.
Berlin Lager.
Birk's.
Blue Bonnet.
Bohemia (Domestic).
Burger Beer.
Burgomeister.
Capitol.
Champagne Velvet.
Cook's Goldblume.
Cream Top.
Crown Select.
Dick's Pilsener.
Dixie.
Downs.
Downs Beer and Ale.
Eagle.
Edelweiss.
Eulberg.
Falstaff.
Fischback.
Flock Beer.
Fortune.
4 X.
Fox Deluxe.
Gold Crest.
Gold Label.
Gold Medal.
Gold Seal.
Grand Prize.
Griesidieck.
Hapsburg.
Harry Mitchell Lager.
Harry Mitchell Premium.
High Brau.
Highland.
Hyde Park.
Jax.
Jefferson.
Jung's Pilsener.
Kato White Label.
Koller.
Lang.
Lemp Red Label.
Lion.
Lone Star.
Manhattan.
Medford Lager.
Miller's Export.
Monterrey (Domestic).
Old Gold.
Old Imperial.
Old King.
Pearl.
Pine Tree.
Pioneer.
Polo Beer.
Pom-Roy.
Prager.
Prima 3 Star.
Prima.
Prince of Pilsener.
Progress.
Regal.
Schmidt City Club.
Schott's Highland.
Shawano Club Beer.
Shiner.
Silver Cream.
Southern Select.
Staats.
Stag.
Standard Wirthbru.
Stern Brau.
Storck.
Topaz.
Town Club.
Trophy.
White Seal.

This amendment shall become effective January 29, 1945.

(56 Stat. 23, 765; 57 Stat. 566.; Public Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; General Order 50, 8 F.R. 4808)

Issued at Dallas, Texas, this the 29th day of January 1945.

C. B. BRAUN,
Acting Regional Administrator.

[F. R. Doc. 45-2359; Filed, Feb. 10, 1945; 10:08 a. m.]

[Region VI Order G-10 Under RMPR 122, Amdt. 4]

SOLID FUELS IN DES MOINES, IOWA, AREA

Pursuant to the authority vested in the Regional Administrator of Region VI by § 1340.260 of Revised Maximum Price Regulation No. 122, and by § 1340.209 of Maximum Price Regulation No. 120, and for reasons stated in the opinion issued simultaneously herewith, *It is ordered*, That Order No. G-10, as amended, be, and it is hereby, amended as follows:

In the price schedule included in paragraph (c) (1) the heading at the third price column "¼ Ton" is amended to read "½ Ton."

This Amendment No. 4 to Order No. G-10 shall be effective January 30, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of January 1945.

RAE E. WALTERS,
Regional Administrator.

[F. R. Doc. 45-2358; Filed, Feb. 10, 1945; 10:07 a. m.]

[Milwaukee Order G-1 Under MPR 426, MPR 285 and RMPR 271]

FRUITS AND VEGETABLES IN MILWAUKEE, WIS., METROPOLITAN AREA

For the reasons set forth in the opinion issued simultaneously herewith, and under the authority vested in the District Director of the Milwaukee, Wisconsin District Office of the Office of Price Administration, Regional Order of delegation under § 1439.3-15, Appendix H (f), Appendix I (g), Appendix J (l), and Appendix K (r), § 1351.1254a (a) of Maximum Price Regulation 285 and § 1351.-1001-11 (c) (7) of Revised Maximum Price Regulation 271, it is hereby ordered:

SECTION 1. *What this order does.* This order determines the limits of the free delivery zone for secondary jobbers and service wholesalers, selling from establishments in the city of Milwaukee, for sales of such fresh fruits and vegetable items as are now or may hereafter be subject to the pricing provisions of Revised Maximum Price Regulation No. 271 and Region VI, Order No. G-1, as amended, thereunder, Maximum Price Regulation No. 285 and Appendices H, I, J and K of Maximum Price Regulation No. 426. It also establishes differentials for non-delivered sales in the free delivery zone and for delivered sales beyond the free delivery zone. The only sellers who are subject to this order are those wholesalers who price under Revised Maximum Price Regulation 271 and Region VI Order No. G-1, as amended thereunder, Maximum Price Regulation No. 285, and secondary jobbers and wholesalers, as these terms are used in Appendices H, I, J and K of Maximum Price Regulation No. 426.

SEC. 2. *Establishment of delivery zones.* (a) The free delivery zone established by the order shall be the cities of Milwaukee, Wauwatosa, Cudahy and West Allis, the villages of West Milwaukee, Shorewood and Whitefish Bay, and that area east of South Whitnall Avenue between the south city limits of the city of Milwaukee and the north limits of the city of Cudahy, all in Milwaukee County, Wisconsin.

(b) The zones in which charges may be made for delivery:

Zone I: Within Milwaukee County, but outside the free delivery zone.

All of Waukesha County, east of the Minneapolis, St. Paul and Soo St. Marie Railroad Co. (Soo Line) tracks and east of County Trunk F.

The City of Waukesha.

Zone II: That part of Waukesha County not included in Zone I.

All of Ozaukee, Washington, Racine and Kenosha Counties.

Zone III: All points outside of the free delivery zone and outside the counties designated in Zone I and Zone II.

SEC. 3. *Differentials for non-delivered and delivered sales of items listed in Appendices H, I, J, and K of Maximum Price Regulation No. 426*—(a) *Non-delivered sales:* For non-delivered sales, deductions from the maximum price for a delivered sale in the free delivery zone shall be made as follows:

Standard shipping containers of the items being sold:	*Cents*
Under 50 pounds, gross weight	5
50 pounds gross weight, or over	10
Half standard container or more	2
Less than half container	No deduction
Bulk sales:	
Weighing as much as, or more than, one-half standard container	5
Weighing less than one-half standard container	No deduction

(b) *Delivered sales in the free delivery zone.* For deliveries in the free delivery zone the maximum delivered price shall be the maximum delivered price computed under Maximum Price Regulation No. 426 for the type of sale being made, without any deduction from or addition thereto.

(c) *Delivered sales beyond the free delivery zone.* For deliveries beyond the free delivery zone, the amount set out below may be added to the price for delivered sales in the free delivery zone. Prices set forth below shall be computed on the gross weight, whether in bulk or in containers:

Zone I: 10¢ per cwt.
Zone II: 20¢ per cwt.
Zone III: 25¢ per cwt.

SEC. 4. *Differential for non-delivered and delivered sales of items under revised Maximum Price Regulation No. 285*—(a) *Non-delivered sales and delivered sales in the free delivery zone.* For non-delivered and delivered sales in the free delivery zone, the maximum delivered price computed on a net weight basis under Maximum Price Regulation No. 285 for the type of sale being made. Customary discounts and price differentials must be maintained.

(b) *Delivered sales beyond the free delivery zone:* For deliveries beyond the free delivery zone the amount set out below, computed on a net weight basis added to the price for delivered sales in the free delivery zone:

Zone I: 10¢ per cwt.
Zone II: 20¢ per cwt.
Zone III: 25¢ per cwt.

SEC. 5. *Differential for nondelivered and delivered sales of items under revised Maximum Price Regulation No. 271 and Regional Order No. G-1, thereunder*—(a) *Nondelivered sales and delivered sales in the free delivery zone.* For non-

delivered sales and for deliveries in the free delivery zone, the maximum price shall be the maximum delivered price computed under Revised Maximum Price Regulation No. 271, in Region VI, Order No. G–1, as amended thereunder, for the type of sale being made. Customary discounts and price differentials must be maintained.

(b) *Delivered sales beyond the free delivery zone:* For deliveries beyond the free delivery zone the amounts set out below may be added to the price for delivered sales in the free delivery zone:

Zone I: 10¢ per cwt.
Zone II: 20¢ per cwt.
Zone III: 25¢ per cwt.

SEC. 6. *Evasion.* No person subject to this order may make delivery charges in excess of those established herein but lower charges may be made. This order shall not be evaded, whether by direct or indirect methods in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of the commodities covered by Revised Maximum Price Regulation 271, Maximum Price Regulation No. 285, and Appendices H, I, J and K of Maximum Price Regulation No. 426, or by way of commission, service, discount, premium or other privilege, or otherwise.

SEC. 7. *Posting.* All persons covered by this order must post in a conspicuous place in the vehicles employed in the hauling of commodities affected by this order, copies of section 3, 4, and 5 of this order, insofar as they are applicable to the particular products transported by such vehicle.

SEC. 8. *Records.* Persons making delivery charges authorized by this order shall, on the written evidences of the sale or delivery required to be kept or supplied by the regulation applicable to the sale of the commodity, show the place of origin of the delivery and separately state the amount of the delivery charge made.

SEC. 9. *Definitions and explanations.* (a) Unless the context otherwise requires, the terms used herein shall have the same meaning as given them in Revised Maximum Price Regulation No. 271, Maximum Price Regulation No. 285 and Maximum Price Regulation No. 426.

(b) "Delivery" means physical delivery to the premises of a retail store, hotel, restaurant or institution.

(c) "Delivery within a free delivery zone" or "delivered within a free delivery zone" means delivery by a seller who maintains distribution facilities within that zone. Delivery by a seller in the free delivery zone, who has his distribution facilities in a different free delivery zone, shall not constitute a delivery in the free delivery zone as herein defined, and such seller shall be entitled to add lawful delivery charges beyond the free delivery zone in which he has distribution facilities.

SEC. 10. This order may be revoked, revised, amended or corrected at any time.

SEC. 11. *Effective date.* This order shall become effective on January 4, 1945.

(Pub. Laws 421 and 729, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328; 8 F.R. 4681)

Issued this 18th day of December 1944.

H. T. SMITH,
District Director.
DONALD E. SMITH,
Acting Regional Director of Distribution,
War Food Administration.

[F. R. Doc. 45–2354; Filed, Feb. 10, 1945; 10:05 a. m.]

[Milwaukee Order G–2 Under MPR 426, MPR 285 and RMPR 271]

FRUITS AND VEGETABLES IN MADISON, WIS.

For the reasons set forth in the opinion issued simultaneously herewith, and under the authority vested in the District Director of the Milwaukee, Wisconsin District Office of the Office of Price Administration, Regional Order of delegation under § 1439.3–15, Appendix H (f), Appendix I (g), Appendix J (l) and Appendix K (r), § 1351.1254a (a) of Maximum Price Regulation 285 and § 1351.1001–11 (c) (7) of Revised Maximum Price Regulation 271, it is hereby ordered:

SECTION 1. *What this order does.* This order determines the limits of the free delivery zone for secondary jobbers and service wholesalers, selling from establishments in the city of Madison, for sales of such fresh fruits and vegetable items as are now or may hereafter be subject to the pricing provisions of Revised Maximum Price Regulation No. 271 and Region VI, Order No. G–1, as amended, thereunder, Maximum Price Regulation No. 285 and Appendices H, I, J, and K of Maximum Price Regulation No. 426. It also establishes differentials for non-delivered sales in the free delivery zone and for delivered sales beyond the free delivery zone. The only sellers who are subject to this order are those wholesalers who price under Revised Maximum Price Regulation 271 and Region VI Order No. G–1, as amended thereunder, Maximum Price Regulation No. 285, and secondary jobbers and wholesalers, as these terms are used in Appendices H, I, J and K of Maximum Price Regulation No. 426.

SEC. 2. *Establishment of delivery zones.* (a) The free delivery zone established by this order shall be the city of Madison, Village of Maple Bluff and village of Shorewood Hills, all in Dane County, Wisconsin.

(b) The zones in which charges may be made for delivery:

Zone I: Within Dane County, but outside the free delivery zone.
Zone II: All points outside of Dane County.

SEC. 3. *Differentials for non-delivered and delivered sales of items listed in Appendices H, I, J and K of Maximum Price Regulation No. 426*—(a) *Non-delivered sales.* For non-delivered sales, deductions from the maximum price for a delivered sale in the free delivery zone shall be made as follows:

Standard shipping containers of the items being sold:	*Cents*
Under 50 pounds, gross weight	5
50 pounds gross weight, or over	10
Half standard container or more	2
Less than half container	No deduction
Bulk sales:	
Weighing as much as, or more than, one-half standard container	5
Weighing less than one-half standard container	No deduction

(b) *Delivered sales in the free delivery zone.* For deliveries in the free delivery zone the maximum delivered price shall be the maximum delivered price computed under Maximum Price Regulation No. 426 for the type of sale being made, without any deduction from or addition thereto.

(c) *Delivered sales beyond the free delivery zone.* For deliveries beyond the free delivery zone, the amount set out below may be added to the price for delivered sales in the free delivery zone. Prices set forth below shall be computed on the gross weight, whether in bulk or in containers:

	Cents per cwt.
Zone I	15
Zone II	25

SEC. 4. *Differential for non-delivered and delivered sales of items under Revised Maximum Price Regulation No. 285*—(a) *Non-delivered sales and delivered sales in the free delivery zone.* For non-delivered and delivered sales in the free delivery zone, the maximum delivered price computed on a net weight basis under Maximum Price Regulation No. 285 for the type of sale being made. Customary discounts and price differentials must be maintained.

(b) *Delivered sales beyond the free delivery zone:* For deliveries beyond the free delivery zone the amount set out below computed on a net weight basis added to the price for delivered sales in the free delivery zone:

Zone I, 15¢ per cwt.
Zone II, 25¢ per cwt.

SEC. 5. *Differential for non-delivered and delivered sales of items under Revised Maximum Price Regulation No. 271 and Regional Order No. G–1, thereunder*—(a) *Non-delivered sales and delivered sales in the free delivery zone.* For non-delivered sales and for deliveries in the free delivery zone, the maximum price shall be the maximum delivered price computed under Revised Maximum Price Regulation No. 271, and Region VI, Order No. G–1, as amended, thereunder, for the type of sale being made. Customary discounts and price differentials must be maintained.

(b) *Delivered sales beyond the free delivery zone.* For deliveries beyond the free delivery zone the amounts set out below may be added to the price for delivered sales in the free delivery zone:

Zone I, 15¢ per cwt.
Zone II, 25¢ per cwt.

SEC. 6. *Evasion.* No person subject to this order may make delivery charges in excess of those established herein but lower charges may be made. This order shall not be evaded, whether by direct

or indirect methods in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of the commodities covered by Revised Maximum Price Regulation 271, Maximum Price Regulation No. 285, and Appendices H, I, J and K of Maximum Price Regulation No. 426, or by way of commission, service, discount, premium or other privilege, or otherwise.

SEC. 7. *Posting.* All persons covered by this order must post in a conspicuous place in the vehicles employed in the hauling of commodities affected by this order, copies of sections 2, 3, 4 and 5 of this order, insofar as they are applicable to the particular products transported by such vehicle.

SEC. 8. *Records.* Persons making delivery charges authorized by this order shall, on the written evidences of the sale or delivery required to be kept or supplied by the regulation applicable to the sale of the commodity, show the place of origin of the delivery and separately state the amount of the delivery charge made.

SEC. 9. *Definitions and explanations.* (a) Unless the context otherwise requires, the terms used herein shall have the same meaning as given them in Revised Maximum Price Regulation No. 271, Maximum Price Regulation No. 285 and Maximum Price Regulation No. 426.

(b) "Delivery" means physical delivery to the premises of a retail store, hotel, restaurant or institution.

(c) "Delivery within a free delivery zone" or "delivered within a free delivery zone" means delivery by a seller who maintains distribution facilities within that zone. Delivery by a seller in the free delivery zone, who has his distribution facilities in a different free delivery zone, shall not constitute a delivery in the free delivery zone as herein defined, and such seller shall be entitled to add lawful delivery charges beyond the free delivery zone in which he has distribution facilities.

SEC. 10. This order may be revoked, revised, amended or corrected at any time.

SEC. 11. *Effective date.* This order shall become effective on January 5, 1945.

(Pub. Laws 421 and 729, 78th Cong., E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 26th day of December 1944.

H. T. SMITH,
District Director.
E. O. POLLOCK,
Regional Director of Distribution, War Food Administration.

[F. R. Doc. 45-2357; Filed, Feb. 10, 1945; 10:07 a. m.]

[Milwaukee Order G-3 Under MPR 426, MPR 285 and RMPR 271]

FRUITS AND VEGETABLES IN SHEBOYGAN, WIS.

For the reasons set forth in the opinion issued simultaneously herewith, and under the authority vested in the District Director of the Milwaukee, Wisconsin District Office of the Office of Price Administration, Regional Order of delegation under § 1439.3-15, Appendix H (f), Appendix I (g), Appendix J (l) and Appendix K (r), § 1351.1254a (a) of Maximum Price Regulation 285 and § 1351.1001-11 (c) (7) of Revised Maximum Price Regulation 271, it is hereby ordered:

SECTION 1. *What this order does.* This order determines the limits of the free delivery zone for secondary jobbers and service wholesalers, selling from establishments in the city of Sheboygan, for sales of such fresh fruits and vegetable items as are now or may hereafter be subject to the pricing provisions of Revised Maximum Price Regulation No. 271 and Region VI, Order No. G-1, as amended, thereunder, Maximum Price Regulation No. 285 and Appendices H, I, J and K of Maximum Price Regulation No. 426. It also establishes differentials for non-delivered sales in the free delivery zone and for delivered sales beyond the free delivery zone. The only sellers who are subject to this order are those wholesalers who price under Revised Maximum Price Regulation 271 and Region VI Order No. G-1, as amended thereunder, Maximum Price Regulation No. 285, and secondary jobbers and wholesalers, as these terms are used in Appendices H, I, J and K of Maximum Price Regulation No. 426.

SEC. 2. *Establishment of delivery zones.* (a) The free delivery zone established by the order shall be within the corporate limits of the city of Sheboygan, Sheboygan County, Wisconsin.

(b) The zones in which charges may be made for delivery:

Zone I: Within Sheboygan County, but outside the corporate limits of the city of Sheboygan. All of Fond du Lac County.
Zone II: All points outside of Sheboygan and Fond du Lac Counties.

SEC. 3. *Differentials for non-delivered and delivered sales of items listed in Appendices H, I, J and K of Maximum Price Regulation No. 426*—(a) *Non-delivered sales.* For non-delivered sales, deductions from the maximum price for a delivered sale in the free delivery zone shall be made as follows:

Standard shipping containers of the items being sold:	Cents
Under 50 pounds, gross weight	5
50 pounds gross weight, or over	10
Half standard container or more	2
Less than half container	No deduction
Bulk sales:	
Weighing as much as, or more than, one-half standard container	5
Weighing less than one-half standard container	No deduction

(b) *Delivered sales in the free delivery zone.* For deliveries in the free delivery zone the maximum delivered price shall be the maximum delivered price computed under Maximum Price Regulation No. 426 for the type of sale being made, without any deduction from or addition thereto.

(c) *Delivered sales beyond the free delivery zone.* For deliveries beyond the free delivery zone, the amount set out below may be added to the price for delivered sales in the free delivery zone. Prices set forth below shall be computed on the gross weight, whether in bulk or in containers:

Zone I: 15¢ per cwt.
Zone II: 25¢ per cwt.

SEC. 4. *Differential for non-delivered and delivered sales of items under Revised Maximum Price Regulation No. 285*—(a) *Non-delivered sales and delivered sales in the free delivery zone.* For non-delivered and delivered sales in the free delivery zone, the maximum delivered price computed on a net weight basis under Maximum Price Regulation No. 285 for the type of sale being made. Customary discounts and price differentials must be maintained.

(b) *Delivered sales beyond the free delivery zone.* For deliveries beyond the free delivery zone the amount set out below computed on a net weight basis added to the price for delivered sales in the free delivery zone:

Zone I: 15¢ per cwt.
Zone II: 25¢ per cwt.

SEC. 5. *Differential for non-delivered and delivered sales of items under Revised Maximum Price Regulation No. 271 and Regional Order No. G-1, thereunder*—(a) *Non-delivered sales and delivered sales in the free delivery zone.* For non-delivered sales and for deliveries in the free delivery zone, the maximum price shall be the maximum delivered price computed under Revised Maximum Price Regulation No. 271, and Region VI, Order No. G-1, as amended, thereunder, for the type of sale being made. Customary discounts and price differentials must be maintained.

(b) *Delivered sales beyond the free delivery zone.* For deliveries beyond the free delivery zone the amounts set out below may be added to the price for delivered sales in the free delivery zone:

Zone I: 15¢ per cwt.
Zone II: 25¢ per cwt.

SEC. 6. *Evasion.* No person subject to this order may make delivery charges in excess of those established herein but lower charges may be made. This order shall not be evaded, whether by direct or indirect methods in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of the commodities covered by Revised Maximum Price Regulation 271, Maximum Price Regulation No. 285, and Appendices H, I, J, and K of Maximum Price Regulation No. 426, or by way of commission, service, discount, premium or other privilege, or otherwise.

SEC. 7. *Posting.* All persons covered by this order must post in a conspicuous place in the vehicles employed in the hauling of commodities effected by this order, copies of section 2, 3, 4 and 5 of this order, insofar as they are applicable to the particular products transported by such vehicle.

SEC. 8. *Records.* Persons making delivery charges authorized by this order shall, on the written evidences of the sale or delivery required to be kept or supplied by the regulation applicable to

the sale of the commodity, show the place of origin of the delivery and separately state the amount of the delivery charge made.

SEC. 9. *Definitions and explanations.* (a) Unless the context otherwise requires, the terms used herein shall have the same meaning as given them in Revised Maximum Price Regulation No. 271, Maximum Price Regulation No. 285 and Maximum Price Regulation No. 426.

(b) "Delivery" means physical delivery to the premises of a retail store, hotel, restaurant or institution.

(c) "Delivery within a free delivery zone" or "delivered within a free delivery zone" means delivery by a seller who maintains distribution facilities within that zone. Delivery by a seller in the free delivery zone, who has his distribution facilities in a different free delivery zone, shall not constitute a delivery in the free delivery zone as herein defined, and such seller shall be entitled to add lawful delivery charges beyond the free delivery zone in which he has distribution facilities.

SEC. 10. This order may be revoked, revised, amended or corrected at any time.

SEC. 11. *Effective date.* This order shall become effective on January 5, 1945.

(Pub. Laws 421 and 729, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 26th day of December 1944.

H. T. SMITH,
District Director.
E. O. POLLOCK,
Regional Director of Distribution, War Food Administration.

[F. R. Doc. 45-2355; Filed, Feb. 10, 1945; 10:05 a. m.]

[Milwaukee Order G-4 Under MPR 426, MPR 285, and RMPR 271]

FRUITS AND VEGETABLES IN FOND DU LAC, WIS.

For the reasons set forth in the opinion issued simultaneously herewith, and under the authority vested in the District Director of the Milwaukee, Wisconsin, District Office of the Office of Price Administration, Regional Order of delegation under § 1439.3-15, Appendix H (f), Appendix I (g), Appendix J (l) and Appendix K (r), § 1351.1254a (a) of Maximum Price Regulation 285, and § 1351.-1001-11 (c) (7) of Revised Maximum Price Regulation 271, it is hereby ordered:

SECTION 1. *What this order does.* This order determines the limits of the free delivery zone for secondary jobbers and service wholesalers, selling from establishments in the city of Fond du Lac, for sales of such fresh fruits and vegetable items as are now or may hereafter be subject to the pricing provisions of Revised Maximum Price Regulation No. 271 and Region VI Order No. G-1, as amended, thereunder, Maximum Price Regulation No. 285 and Appendices H, I, J and K of Maximum Price Regulation No. 426. It also establishes differentials for non-delivered sales in the free delivery zone and for delivered sales beyond the free delivery zone. The only sellers who are subject to this order are those wholesalers who price under Revised Maximum Price Regulation 271 and Region VI Order No. G-1, as amended thereunder, Maximum Price Regulation No. 285, and secondary jobbers and wholesalers, as these terms are used in Appendices H, I, J and K of Maximum Price Regulation No. 426.

SEC. 2. *Establishment of delivery zones.* (a) The free delivery zone established by the order shall be within the corporate limits of the city of Fond du Lac, Fond du Lac County, Wisconsin.

(b) The zones in which charges may be made for delivery:

Zone 1: Within Fond du Lac County, but outside the corporate limits of the city of Fond du Lac. All of Sheboygan County.
Zone II: All points outside of Fond du Lac and Sheboygan Counties.

SEC. 3. *Differentials for non-delivered and delivered sales of items listed in Appendices H, I, J and K of Maximum Price Regulation No. 426*—(a) *Non-delivered sales.* For non-delivered sales, deductions from the maximum price for a delivered sale in the free delivery zone shall be made as follows:

	Cents
Standard shipping containers of the items being sold:	
Under 50 pounds, gross weight	5
50 pounds gross weight, or over	10
Half standard container or more	2
Less than half container	No deduction
Bulk sales:	
Weighing as much as, or more than, one-half standard container	5
Weighing less than one-half standard container	No deduction

(b) *Delivered sales in the free delivery zone.* For deliveries in the free delivery zone the maximum delivered price shall be the maximum delivered price computed under Maximum Price Regulation No. 426 for the type of sale being made, without any deduction from or addition thereto.

(c) *Delivered sales beyond the free delivery zone.* For deliveries beyond the free delivery zone, the amount set out below may be added to the price for delivered sales in the free delivery zone. Prices set forth below shall be computed on the gross weight, whether in bulk or in containers:

Zone I: 15¢ per cwt.
Zone II: 25¢ per cwt.

SEC. 4. *Differential for non-delivered and delivered sales of items under Revised Maximum Price Regulation No. 285*—(a) *Non-delivered sales and delivered sales in the free delivery zone.* For non-delivered and delivered sales in the free delivery zone, the maximum delivered price computed on a net weight basis under Maximum Price Regulation No. 285 for the type of sale being made. Customary discounts and price differentials must be maintained.

(b) *Delivered sales beyond the free delivery zone.* For deliveries beyond the free delivery zone the amount set out below computed on a net weight basis added to the price for delivered sales in the free delivery zone:

Zone I: 15¢ per cwt.
Zone II: 25¢ per cwt.

SEC. 5. *Differential for non-delivered and delivered sales of items under Revised Maximum Price Regulation No. 271 and Regional Order No. G-1, thereunder*—(a) *Non-delivered sales and delivered sales in the free delivery zone.* For non-delivered sales and for deliveries in the free delivery zone, the maximum price shall be the maximum delivered price computed under Revised Maximum Price Regulation No. 271, and Region VI, Order No. G-1, as amended thereunder, for the type of sale being made. Customary discounts and price differentials must be maintained.

(b) *Delivered sales beyond the free delivery zone.* For deliveries beyond the free delivery zone the amounts set out below may be added to the price for delivered sales in the free delivery zone:

Zone I: 15¢ per cwt.
Zone II: 25¢ per cwt.

SEC. 6. *Evasion.* No person subject to this order may make delivery charges in excess of those established herein but lower charges may be made. This order shall not be evaded, whether by direct or indirect methods in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of the commodities covered by Revised Maximum Price Regulation 271, Maximum Price Regulation No. 285, and Appendices H, I, J and K of Maximum Price Regulation No. 426, or by way of commission, service, discount, premium or other privilege, or otherwise.

SEC. 7. *Posting.* All persons covered by this order must post in a conspicuous place in the vehicles employed in the hauling of commodities effected by this order, copies of sections 2, 3, 4 and 5 of this order, insofar as they are applicable to the particular products transported by such vehicle.

SEC. 8. *Records.* Persons making delivery charges authorized by this order shall, on the written evidences of the sale or delivery required to be kept or supplied by the regulation applicable to the sale of the commodity, show the place of origin of the delivery and separately state the amount of the delivery charge made.

SEC. 9. *Definitions and explanations.* (a) Unless the context otherwise requires, the terms used herein shall have the same meaning as given them in Revised Maximum Price Regulation No. 271, Maximum Price Regulation No. 285 and Maximum Price Regulation No. 426.

(b) "Delivery" means physical delivery to the premises of a retail store, hotel, restaurant or institution.

(c) "Delivery within a free delivery zone" or "delivered within a free delivery zone" means delivery by a seller who maintains distribution facilities within that zone. Delivery by a seller in the free delivery zone, who has his distribution facilities in a different free delivery zone, shall not constitute a delivery in the free delivery zone as herein defined,

and such seller shall be entitled to add lawful delivery charges beyond the free delivery zone in which he has distribution facilities.

SEC. 10. This order may be revoked, revised, amended or corrected at any time.

SEC. 11. *Effective date.* This order shall become effective on January 5, 1945.

(Pub. Laws 421 and 729, 78th Cong., E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 26th day of December 1944.

H. T. SMITH,
District Director.

E. O. POLLOCK,
Regional Director of Distribution, War Food Administration.

[F. R. Doc. 45-2356; Filed, Feb. 10, 1945; 10:06 a. m.]

[Portland Order G-15 Under 18 (c)]

FIREWOOD IN KLAMATH FALLS, OREG., AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Office of Price Administration by § 1499.18 (c), as amended, of the General Maximum Price Regulation, *It is hereby ordered,* That:

(a) The maximum prices as established by sections 2 and 3 of the General Maximum Price Regulation or by any previous order issued pursuant to such regulation, or by any supplementary regulation thereto, for the sale and delivery of the types of firewood specified below in the Klamath Falls area in Klamath County in the State of Oregon are hereby adjusted so that maximum prices therefor shall be:

Type of firewood	*Maximum prices per cord delivered to premises of ultimate consumer*
16" old growth fir and pine forest wood	$13.50
4' old growth fir and pine forest wood	12.50
16" second growth fir and pine forest wood	12.50
4' second growth fir and pine forest wood	11.50

(b) *Definitions.* The "Klamath Falls Area" as herein used means that portion of Klamath County in the State of Oregon which is within a 20 mile radius of the city limits of Klamath Falls and includes such cities as Merrill, Midland, Worden, Keno, Marsh, Bonanza, Hildebrand, Algoma, Olene, and Modoc Point.

(c) No seller shall evade any of the provisions of this Order No. G-15 by changing his customary allowances, discounts, or other price differentials unless such change results in a lower price.

(d) Every seller affected by this order shall remain subject to all other provisions of the General Maximum Price Regulation.

(e) *Invoices and records.* Every person making a sale of firewood for which a maximum price is set by this order shall give the purchaser or his agent, at the time of sale, an invoice or other memorandum of sale, which shall show:

(1) The date of sale.

(2) The name and address of the buyer and seller.

(3) The quantity of firewood sold.

(4) Description of firewood sold, in the same manner as it is described in this order. This shall include the kind of wood, i. e., old or second growth, and length of the pieces of wood.

(5) Place of sale. (If the price is dependent on place of delivery, the place of delivery shall be stated.)

(6) The total price of the wood. On the invoice or memorandum, a separate statement shall be made of any discounts and of each service rendered, such as delivery, carrying, and stacking, and the charge made for each such service.

The seller shall keep an exact copy of such invoice or memorandum for a period of two years, and such copy shall be available for inspection by the Office of Price Administration during the seller's ordinary business hours.

(f) This order may be revoked, amended, or corrected at any time.

This order shall become effective January 30, 1945.

NOTE: The record keeping provisions of the order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765, 57 Stat. 566, Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of January 1945.

HOSEA R. EVANS,
Acting District Director.

[F. R. Doc. 45-2362; Filed, Feb. 10, 1945; 10:33 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 7-782, 7-783, 7-784]

CONTINENTAL MOTORS CORP., ET AL.

ORDER SETTING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of February, A. D. 1945.

In the matter of applications by the San Francisco Stock Exchange to extend unlisted trading privileges to Continental Motors Corporation, Common Stock, $1 Par Value, File No. 7-782; Graham-Paige Motors Corporation, Common Stock, $1 Par Value, File No. 7-783; Willys-Overland Motors, Inc., Common Stock, $1 Par Value, File No. 7-784.

The San Francisco Stock Exchange, pursuant to section 12 (f) of the Securities Exchange Act of 1934, and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned securities;

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Monday, February 26, 1945, at the office of the Securities and Exchange Commission, 625 Market Street, San Francisco, California, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That John G. Clarkson, or any other officer or officers of the Commission named by it for that purpose, shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-2409; Filed, Feb. 10, 1945; 2:59 p. m.]

[File No. 70-1019]

CITIES SERVICE POWER & LIGHT CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of February, A. D., 1945.

Notice is hereby given that an application or declaration has been filed with this Commission under the Public Utility Holding Company Act of 1935 and particularly under section 12 (d) and Rule U-44 promulgated thereunder by Cities Service Power & Light Company, a registered holding company.

All interested persons are referred to said document which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

The Marion-Reserve Power Company, an indirect subsidiary of Cities Service Power & Light Company, and an electric public utility company, proposes to sell to The Dayton Power and Light Company, a public utility company and a subsidiary company of Columbia Gas & Electric Corporation, a registered holding company, for a base price of $7,950,000, all of the electric light and power properties owned by The Marion-Reserve Power Company located in the counties of Van Wert, Mercer, Darke, Preble, Auglaize, Shelby, Hardin, Logan, Champaign, Clark, Union and Delaware in the State of Ohio.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application or declaration and that said application or declaration shall not be granted or permitted to become effective except pursuant to further order of the Commission:

It is ordered, That a hearing on said application under the applicable provisions of the act and the rules of the Commission thereunder be held on February 23, 1945 at 10:00 a. m., e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve by registered mail copies of this order on the Public Utilities Commission of Ohio and on the applicant-declarant herein; and that notice of said hearing be given to all other persons by publication of this order in the FEDERAL REGISTER. Any person desiring to be heard in connection with these proceedings, or otherwise to participate herein, shall file with the Secretary of the Commission, on or before February 21, 1945, his request or application therefor, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That without limiting the scope of issues presented by said application, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether maintenance of competitive conditions, fees and commissions, accounts, disclosure of interest and similar matters in connection with such proposed sale are such that such sale should not be permitted to be made or that terms or conditions should be imposed.

(2) Whether State laws regarding the proposed sale have been complied with.

(3) Whether the terms and conditions of the proposed sale are detrimental to the public interest or the interests of investors or consumers.

(4) Generally whether the proposed transactions comply with the applicable provisions of the act and the rules, regulations and orders promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-2410; Filed, Feb. 10, 1945; 3:00 p. m.]

[File No. 70-1014]

CONSOLIDATED ELECTRIC AND GAS CO., ET AL

ORDER PERMITTING JOINT DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of February 1945.

In the matter of Consolidated Electric and Gas Company, The Islands Gas and Electric Company, Compagnie D'Eclairage Electrique Des Villes De Port au Prince et du Cap Haitien, Compania Electrica de Santo Domingo C. Por A., Roanoke Railway and Electric Company, File No. 70-1014.

Consolidated Electric and Gas Company ("Consolidated"), a registered holding company, and its subsidiaries, The Islands Gas and Electric Company ("Islands"), Compagnie d'Eclairage Electrique des Villes de Port au Prince et due Cap Haitien ("Haiti"), Compania Electrica de Santo Domingo C. Por A. ("Santo Domingo"), and Roanoke Railway and Electric Company ("Roanoke"), having filed a joint declaration pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules promulgated thereunder, particularly sections 12 (c), 12 (d), and 12 (f) of the act and Rules U-42, U-43, and U-44 regarding the payment by Roanoke, Haiti, and Santo Domingo out of their treasury funds of sums aggregating not in excess of $300,000 in respect of Roanoke, $100,000 in respect of Haiti, and $250,000 in respect of Santo Domingo in reduction of the principal on certain notes owed by them in the present face amount of $1,838,000, $314,000, and $1,882,503.02, respectively, the payment in the case of Roanoke being directly to Consolidated, as owner of all of Roanoke's securities, and the payments in the case of Haiti and Santo Domingo being to Islands, as owner of all of the securities of Haiti and Santo Domingo; the proceeds from the payment to Islands in turn being deposited with the trustee under the indenture securing certain notes of Islands owned by Consolidated, said Trustee to apply the funds to the retirement of a like principal amount of the notes of Islands held by Consolidated (Consolidated being the owner of all of Islands' securities); and Consolidated proposing, subject to further authorization of the Commission in connection with a pending plan filed by Consolidated under section 11 (e) (File No. 54-110), to employ the $650,000 thus to be received from the three subsidiaries, in connection with the satisfaction and discharge, as proposed in said pending section 11 (e) plan, of 30 Year First Lien and Collateral Trust Bonds, Series A, due April 1, 1958 of Southern Cities Utilities Company, assumed by Consolidated.

Said joint declaration having been filed on January 12, 1945, an amendment thereto having been filed on January 13, 1945 and notice of filing having been given in the form and manner prescribed in Rule U-23 under the act, and the Commission not having received a request for a hearing with respect to said joint declaration within the time specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming that no adverse findings under the applicable sections of the act and the rules promulgated thereunder are necessary herein and finding it appropriate in the public interest and in the interest of investors and consumers to permit said joint declaration to become effective,

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid joint declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-2411; Filed, Feb. 10, 1945; 3:00 p. m.]

[File No. 70-999]

INTERNATIONAL UTILITIES CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of February, A. D. 1945.

International Utilities Corporation, a registered holding company, having filed a declaration and amendments thereto pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935 and Rules U-23 and U-42 of the general rules and regulations promulgated thereunder, regarding the proposed redemption of 30,000 shares of its $3.50 Preferred Stock, $50 par value (92,812.3 shares in the aggregate being outstanding), at the redemption price of $52.50 per share plus accrued dividends to the date of redemption; declarant further proposing that, pursuant to the terms of its certificate of incorporation, the shares to be redeemed are to be selected by lot not more than ten days prior to the date of the notice of redemption and that not less than thirty days nor more than sixty days previous to the date fixed for redemption, notice of redemption is to be given to each stockholder whose shares shall have been selected for redemption; and

Said declaration having been filed on November 18, 1944 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the last amendment thereto having been filed on January 27, 1945, and the Commission not having received a request for a hearing with respect to said declaration as amended within the period specified by said notice or otherwise and not having ordered a hearing thereon; and

The Commission finding that the requirements of section 12 (c) and Rule U-42 are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration as amended to become effective forthwith;

It is hereby ordered, Pursuant to Rule U-23 that the said declaration as amended be and it hereby is permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-2412; Filed, Feb. 10, 1945; 3:00 p. m.]

[File No. 59-32]

ASSOCIATED GAS AND ELECTRIC CORP.

ORDER MODIFYING PREVIOUS ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 9th day of February 1945.

The Commission having, on August 13, 1942, issued its findings, opinion and order under section 11 (b) (1) of the Public Utility Holding Company Act of 1935 (Holding Company Act Release No. 3729) requiring Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, to divest themselves of certain non-retainable properties; and

Said Trustees having filed an application requesting that said order be modified by striking therefrom Manila Electric Company and Escudero Electric Service Company, public-utility companies operating in the Philippine Islands, and Associated Utilities Investing Corporation, a subsidiary of Manila Electric Company; and said modification having been requested in connection with the rehabilitation of the properties of said companies upon the release of the Philippine Islands from enemy occupation; and

A public hearing having been held after appropriate notice, the Commission having considered the record in this matter, and having made and filed its supplemental findings and opinion herein;

It is ordered, Pursuant to the applicable provisions of said act, that the application be and hereby is granted and that said order of August 13, 1942, be and hereby is modified by striking from Appendix B thereof Manila Electric Company, Escudero Electric Service Company, and Associated Utilities Investing Corporation subject, however, to the condition that said order may be reinstated by the Commission upon notice and opportunity for hearing, which hearing shall be confined to the appropriateness of the time of such reinstatement in relation to the status of said rehabilitation program.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-2413; Filed, Feb. 10, 1945; 3:01 p. m.]

[File No. 70-1016]

OKLAHOMA GAS AND ELECTRIC CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 8th day of February 1945.

Oklahoma Gas and Electric Company, a subsidiary of Standard Gas and Electric Company, a registered holding company, having filed a declaration and amendments thereto, pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935, and Rule U-50 promulgated thereunder, regarding the issuance and sale, at competitive bidding, of $35,000,000 principal amount of First Mortgage Bonds, Series due February 1, 1975, and the application of the net proceeds from the sale of said bonds together with general funds of declarant to the redemption of $35,000,000 principal amount of its First Mortgage Bonds, 3¾% Series due 1966, presently outstanding, at the redemption price of 104¼% of the principal amount thereof plus accrued interest to date of redemption; and

A public hearing having been held, after appropriate notice, upon said declaration, as amended, the Commission having considered the record and having made and filed its findings and opinion herein:

It is ordered, That the declaration, as amended, be and the same is hereby permitted to become effective, subject to the conditions prescribed by Rule U-24, and subject to the further condition that the issue and sale of the bonds shall not be consummated until the results of the competitive bidding pursuant to Rule U-50 have been supplied by amendment and a further order shall have been entered, which order may contain such further terms and conditions as may then be deemed appropriate; jurisdiction is hereby reserved for the entry of such order and the imposition of such terms and conditions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-2424; Filed, Feb. 12, 1945; 9:38 a. m.]

UNITED STATES COAST GUARD.

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4481, 4488, and 4491, as amended, 49 Stat. 1544, 54 Stat. 163-167 (46 U.S.C. 375, 391a, 404, 474, 481, 489, 367, 526-526t), and Executive Order 9083, dated February 28, 1942 (3 CFR, Cum. Supp.), the following approval of equipment is prescribed:

APPROVAL OF EQUIPMENT

BUOYANT CUSHION FOR MOTORBOATS

15" x 15" x 2" Typha filled buoyant cushion (Specification dated 19 December, 1944); Approval No. B-259, manufactured by Flamingo Textiles Inc., 427 N. W. 3rd Avenue, Miami 36, Florida. (For use on motorboats of Classes A, 1, and 2 not carrying passengers for hire, for the duration of the National Emergency and six months thereafter).

LIFE PRESERVERS

Model No. 1 adult kapok life preserver (C. G. Dwg. No. F-49-6-1, Alt. 1, and Specification dated 10 June, 1944), Approval No. B-260, manufactured by Colvin-Slocum Boats, Inc., Amesbury, Mass. (For general use)

Model No. 3 adult kapok life preserver (C. G. Dwg. No. F-49-6-1, Alt. 1, and Specification dated 10 June, 1944), Approval No. B-261, manufactured by Colvin-Slocum Boats, Inc., Amesbury, Mass. (For use with rubber life-saving suits)

Model No. 2 adult kapok life preserver (C. G. Dwg. No. F-49-6-1, Alt. 1, and Specification dated 10 June, 1944), Approval No. B-258, manufactured by C. A. Reed Furniture Company, 4424 E. 49th Street, Los Angeles 11, California. (For general use)

Dated: February 9, 1945.

R. R. WAESCHE,
Vice Admiral, U. S. C. G.,
Commandant.

[F. R. Doc. 45-2361; Filed, Feb. 10, 1945; 10:20 a. m.]

WAR FOOD ADMINISTRATION.

[Docket No. AO 160-A 3]

PHILADELPHIA, PA., MARKETING AREA

NOTICE OF HEARING ON HANDLING OF MILK

Proposed amendments to tentatively approved marketing agreement, as amended, and order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 et seq.), and in accordance with the applicable rules of practice and procedure (7 CFR, Cum. Supp., 900.1 et seq.), notice is hereby given of a hearing to be held in the Adelphia Hotel, Philadelphia, Pennsylvania, beginning at 10 a. m., e. s. t., February 23, 1945, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. These amendments have not received the approval of the War Food Administrator.

This public hearing is for the purpose of receiving evidence with respect to the economic or marketing conditions which relate to the amendments or any modification thereof, which are hereinafter set forth. The amendments which have been proposed are set forth below.

I. Definition of "producer" and "producer milk plant" and "nonproducer milk plant" to be contained in § 961.1.

a. *Proposed by Inter-State Milk Producers Cooperative, Inc.:* Continue to list all locations of plants now listed in the order. Add York Springs and Biglerville, Pennsylvania, to the list of plant locations.

b. *Proposed by Philadelphia Milk Exchange.* Relist the plants under Order No. 61 on present basis of operation.

c. *Proposed by Dairy and Poultry Branch, War Food Administration.* Delete § 961.1 (a) (5), substitute (5), (6), and (7) below, and renumber subsequent paragraphs.

(5) The term "producer" means any person, irrespective of whether such person is also a handler, who produces milk which is received directly at a producer milk plant.

(6) The term "producer milk plant" means:

(i) A plant listed below during any period in which it is operated by a handler, except (a) during such period of time as any such plant has been stopped by the Pennsylvania Department of Health from shipping milk or cream for consumption as fluid milk or cream, or (b) during any month when no milk or cream is disposed of in the marketing area from such plant either directly or through another plant or plants, if the handler has notified the market administrator 5 days or more prior to such month that it is no longer a part of his supply for the marketing area and if no milk or cream has been shipped from it to the marketing area for the 3 months next preceding such month:

PLANTS

(Revised list to identify plants which represent reserve or regular supplies for Class I sales of handlers operating pasteurizing and bottling plants.)

(ii) A pasteurizing and bottling plant from which milk is disposed of as Class I milk in the marketing area; or

(iii) Any other plant of a handler from which during any month an amount equal to 50 percent or more of the receipts of milk directly from farmers is shipped to the marketing area in the form of milk, or any other plant which during any month supplies a pasteurizing and bottling plant with a quantity of milk equal to or greater than 25 percent of the milk received directly from producers at the pasteurizing and bottling plant, except that any plant at which another order of the War Food Administrator requires a uniform price to be paid to producers shall not be included in this definition.

(7) The term "nonproducer milk plant" means any plant other than those described under § 961.1 (a) (6).

II. Classification of milk as contained in § 961.3 (b).

a. Proposed by Philadelphia Milk Exchange. Order No. 61 should contain a manufacturing milk price as a lower class, such milk to be priced at a level which would permit diversion to manufacturing plants and afford full utilization of such milk.

b. Proposed by Dairy and Poultry Branch. Delete § 961.3 (b) (1) and (2) and substitute: (1) Class I milk shall be all milk (i) sold, distributed, or disposed of as or in milk for fluid consumption, including sales of skim milk and flavored milk drinks, containing less than 18 percent butterfat and including all milk or skim milk disposed of from a handler's plant to retail establishments which dispose of milk for both fluid and other uses, and (ii) all other milk not accounted for as Class II.

(2) Class II milk shall be (i) all milk disposed of in products other than those included in § 961.3 (b) (1) (i), and (ii) all milk accounted for as actual plant shrinkage but not to exceed 2 percent of the total pounds of milk received or 2 percent of the total pounds of butterfat in milk and cream received: *Provided*, That if milk or cream is received from producers, from other handlers, or from other plants, such actual shrinkage shall be prorated between the milk received from each source in proportion to the volume of milk and cream received from each.

III. Transfers of milk and cream as contained in § 961.3 (c) and (d).

a. Proposed by Inter-State Milk Producers Cooperative, Inc.: (a) Provide for classification of emergency milk purchased from outside sources in such manner that, as milk becomes more plentiful in relation to demand, such emergency milk will not unduly displace producers' milk in Class I.

(b) Consider a distress milk provision which will permit a handler who must move seasonal excess supplies which he cannot use in his own system to the evaporated milk plant, milk powder plant or milk chocolate plant of another handler to pay producers for such milk its actual value determined by the price of milk at representative manufacturing plants with an allowance for hauling.

(c) Provide that, where milk is received by a handler operating a pasteurizing and bottling plant disposing of milk as Class I milk directly in the marketing area from a handler who does not operate such a pasteurizing and bottling plant disposing of milk as Class I milk directly in the marketing area, such receiving handler shall not allocate a higher Class I utilization to any plant of such selling handler at which milk is received from producers than is allocated to producers shipping to the receiving handler.

b. Proposed by Dairy and Poultry Branch: Delete § 961.3 (c) and (d) and substitute:

(c) *Transfers of milk.* Milk and skim milk transferred from a producer milk plant to another handler's producer milk plant or to a nonproducer milk plant shall be Class I unless such milk or skim milk was disposed of under an agreement that such milk or skim milk be classified in Class II and the receiving handler or nonproducer milk plant has used in Class II products a quantity of milk or skim milk equivalent to the milk or skim milk received during the month from producer milk plants under an agreement for classification in Class II.

(d) *Transfers of cream.* Cream received by a handler may be considered Class II if it is used or disposed of for use in Class II products.

(e) *Allocation of milk or skim milk received at producer milk plants from nonproducer milk plants.* (1) Milk or skim milk received at a producer milk plant from a nonproducer milk plant may be allocated to Class I utilization during any delivery period except April, May, and June: *Provided*, That the utilization of all producers' milk in all of the handlers' producer milk plants during the month is not less than 90 percent Class I.

(2) Milk or skim milk received by a handler from a nonproducer milk plant shall be allocated to Class II uses at the lower Class II price before any such milk or skim milk is allocated to use in products requiring a higher Class II price.

(f) *Allocation of milk or skim milk received by a handler who purchases milk from producers from a handler described under § 961.6 (a).* Milk or skim milk received in bulk by a handler from another handler who is also a producer may be classified in Class I up to the same proportionate amount as such handler classifies in Class I milk received from producers who are not handlers.

IV. Minimum prices as contained in § 961.4 (a).

Proposed by Inter-State Milk Producers Cooperative, Inc. (A) Consider a Class I formula for the Philadelphia marketing area based on the price of feeds, the available supplies of feeds and the other economic conditions which affect market supply and demand for milk and its products insofar as such items or any of them can be included within a formula. It is suggested that such formula be based on and reflect (a) supply conditions indicated by producers' costs, including price of feeds, farm wages and prices paid by farmers for commodities purchased, (b) demand conditions as indicated by income of consumers. Such a price formula should result in a Class I price which will include the amount of any dairy production payments or other milk subsidies paid by the Federal Government. Such a formula should provide for spring and fall changes in the Class I price which would tend to result in lower spring production and higher fall production. Class I price changes under such formula should occur not oftener than quarterly.

(B) Adjust the existing Class II price formula to reflect the prices of alternate supplies of milk solids in such forms as are appropriate for use in Class II products made in the Philadelphia market. Eliminate the 28-cent deduction from the butterfat value included in the present formula. Such adjustments in the Class II formula should be made only when similar adjustments are made in the formula for the similar class in Order No. 27.

In order to insert this proposal in the order the Dairy and Poultry Branch suggests the following phraseology: (The prices used herein are set forth merely to illustrate the pricing plan suggested and are not prices proposed by the Dairy and Poultry Branch) Delete § 961.4 (a) (1) and (2) and substitute:

(1) *Class I milk.* The price per hundredweight of Class I milk shall be the price set forth in the following schedule for each delivery period, except that the applicable price shall be reduced by the amount of any subsidy or similar payment offered to producers by any Government agency to maintain milk production, except that whenever the War Food Administrator finds and announces that the Class I price computed for any delivery period pursuant to this schedule is not in the public interest, the Class I price for such delivery period shall be the same as the Class I price for the previous delivery period.

Supply factor [1] (labor, feed and prices paid)	Demand factors [2] (Pay rolls—Philadelphia area)	Class I price		
		First and third quarters	Second quarter	Fourth quarter
$2.13–2.57	Under 25	$1.90	$1.80	$2.00
	25–50	2.35	2.25	2.45
	Over 50	2.80	2.70	2.90
2.58–3.02	Under 50	2.35	2.25	2.45
	50–75	2.80	2.70	2.90
	Over 75	3.25	3.10	3.40
3.03–3.45	Under 75	2.80	2.70	2.90
	75–100	3.25	3.10	3.40
	Over 100	3.65	3.50	2.80
3.46–3.85	Under 100	3.25	3.10	3.40
	100–135	3.65	3.50	3.80
	Over 135	4.05	3.90	4.20
3.86–4.22	Under 135	3.65	3.50	3.80
	135–175	4.05	3.90	4.20
	Over 175	4.40	4.25	4.55
4.23–4.57	Under 175	4.05	3.90	4.20
	175–225	4.40	4.25	4.55
	Over 225	4.75	4.55	4.95
4.58–4.92	Under 225	4.40	4.25	4.55
	225–275	4.75	4.55	4.95
	Over 275	5.10	4.90	5.30
4.93–5.25	Under 275	4.75	4.55	4.95
	275–325	5.10	4.90	5.30
	Over 325	5.40	5.20	5.60
5.26–5.55	Under 325	5.10	4.90	5.30
	325–375	5.40	5.20	5.60
	Over 375	5.70	5.50	5.90

[1] Labor (average rate per month with board to hired farm labor in Pennsylvania. Rates reported for previous quarter by the United States Department of Agriculture) divided by $35.00, plus

Feed (simple average of prices per ton of a standard commercial dairy ration during the first 2 months of the previous quarter and the first 15 days of the last month of the previous quarter, at Lancaster, Pa., Baltimore, Md., and Philadelphia, Pa.) divided by $40.00, plus

Prices paid (simple average of the indexes of prices paid by farmers for all commodities reported by the United States Department of Agriculture for the 3 months ending with the first month in the previous quarter) divided by 110.

[2] Index of pay rolls computed from report of the Philadelphia Federal Reserve Bank in the Monthly Business Review. Index (1923–25=100.) Simple average of the indexes for the 3 months ending with the first month of the previous quarter, divided by 100.

(2) *Class II milk.* The price per hundredweight during each month shall be the sum of the respective values of butterfat and skim milk, calculated as follows by the market administrator:

(i) *Butterfat.* Add all market quotations (using mid-point of any weekly range as one quotation) of prices for a 40-quart can of sweet cream approved either for Pennsylvania only, or for Pennsylvania, Newark, and Lower Merion Township, in the Philadelphia, Pennsylvania, market, reported for each week ending within the month by the United States Department of Agriculture (or such other Federal Agency as is authorized to perform this price reporting function), divided by 33.48, multiply by 4, and subtract 21½ cents: *Provided,* That for butterfat used to make butter, the price shall be 4.8 times the average of the 92-score butter at wholesale in the New York market, reported daily by the United States Department of Agriculture (or such other Federal agency as is authorized to perform this price reporting function) for the month for which payment is to be made, which shall be known as the "butter-value" for such butterfat.

(ii) *Skim milk.* Any plus amount which is equal to 7.5 times the average price per pound of nonfat dry milk solids for human consumption, f. o. b. manufacturing plant, as published by the United States Department of Agriculture (or such other Federal Agency as is authorized to perform this price reporting function) for the Chicago area during the delivery period, less 4 cents: *Provided,* That for skim milk or skim milk in milk (moved from a producer milk plant to a nonproducer milk plant and) used in butter, evaporated milk, milk powder, nonfat dry milk solids, milk chocolate, and cheese other than cottage, pot, and baker's cheese, during the months of April, May, and June, the skim milk value shall be the skim milk value determined above or the skim milk value determined as follows, whichever is lower:

(a) From the average of the prices per hundredweight for milk of 3.5 percent butterfat as reported to the United States Department of Agriculture, paid during such delivery period to farmers at each of the places or evaporated milk plants where milk is purchased or received for evaporating purposes at places listed below, subtract 3.5 times the butterfat differential computed pursuant to (b) of this section.

Concern	Location
Borden Company	Black Creek, Wis.
	Greenville, Wis.
	Mount Pleasant, Mich.
	New London, Wis.
	Orfordville, Wis.
Carnation Company	Berlin, Wis.
	Jefferson, Wis.
	Chilton, Wis.
	Oconomowoc, Wis.
	Richland Center, Wis.
	Sparta, Mich.
Pet Milk Company	Belleville, Wis.
	Coopersville, Mich.
	Hudson, Mich.
	New Glarus, Wis.
	Wayland, Mich.
White House Milk Co.	Manitowoc, Wis.
	West Bend, Wis.

V. Out-of-area Class I as contained in § 961.4 (d).

Proposed by Dairy and Poultry Branch. Delete from § 961.4 (d), in the proviso, the words, "and to Government institutions and establishments on a basis of bids" and the commas preceding and just following such words.

VI. Reports as contained in § 961.5 (a).

Proposed by Dairy and Poultry Branch. Insert in § 961.5 (a) after the words "with respect to milk" a comma and the words "milk products."

Insert in § 961.5 (a) (2) (v) after the words "or on hand" the words "at each plant."

VII. Producer butterfat differential as contained in § 961.8 (c).

a. Proposed by Inter-State Milk Producers Cooperative, Inc. Change the producers' butterfat differential from 4 cents to 5 cents.

b. Proposed by Pennsylvania Guernsey Breeders Association. Change the producers' butterfat differential in § 961.8 (c) from 4 cents to the same formula basis as in § 961.4.

VIII. Producer location differential as contained in § 961.8 (d).

Proposed by Dairy and Poultry Branch. Delete § 961.8 (d) and substitute:

(d) Location differentials. In making payments pursuant to paragraph (a) of this section, each handler shall deduct from payments to producers delivering milk to a plant located in a mileage zone set forth in § 961.4 (c) a differential equal to the percentage of the pounds of all milk received from producers which was classified in Class I times the Class I differential rate pursuant to § 961.4 (c) at such plant, plus the percentage of Class II times the Class II rate pursuant to § 961.4 (c).

IX. Flat price payments as contained in § 961.8 (f).

Proposed by Dairy and Poultry Branch. Delete § 961.8 (f).

X. Premium for Grade A milk as contained in § 961.8 (g).

Proposed by Dairy and Poultry Branch. Delete from § 961.8 (g), the fifth line, the word "is" and substitute "he has designated as", and change the period at the end of the paragraph to a comma and add, "and 40 cents per hundredweight of milk sold as Grade A by a handler who has not designated producers as Grade A producers or has not maintained adequate laboratory records."

XI. Expense of administration as contained in § 961.9.

Proposed by Dairy and Poultry Branch. Delete § 961.9 and substitute:

Expense of administration—(a) *Payments by handlers.* As his pro rata share of the expense of the administration hereof, each handler receiving milk from producers, on or before the 20th day after the end of each month shall pay to the market administrator, with respect to all milk received by such handler directly from producers, and all milk received from nonproducer milk plants which is allocated to Class I under § 961.3 (c), an amount not exceeding 2 cents per hundredweight, the exact amount to be determined by the market administrator subject to review by the War Food Administrator. Each handler who is a cooperative association of producers, shall pay such pro rata share of expense only on that milk received from producers at any plant of such association.

XII. Agents as contained in § 961.11.

Proposed by Dairy and Poultry Branch. Add § 961.11 *Agents.* The War Food Administrator may, by designation in writing, name any officer or employee of the United States or name any bureau or division of the United States Department of Agriculture to act as his agent or representative in connection with any of the provisions hereof.

Copies of this notice of hearing, of the tentatively approved marketing agreement, as amended, and the order, as amended, now in effect, may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 1331 South Building, Washington, D. C., or may be there inspected.

Dated: February 10, 1945.

THOMAS J. FLAVIN,
Assistant to the War Food Administrator.

[F. R. Doc. 45–2433; Filed, Feb. 12, 1945; 11:08 a. m.]

Commodity Credit Corporation.

[Form FDA–776, Amdt. 2]

DESIGNATED CANNED FOODS PRODUCED FROM DESIGNATED VEGETABLES

AMENDMENT TO AGREEMENT

Whereas, pursuant to the provisions of section (10) of the Agreement with Respect to Designated Canned Foods Produced from Designated Vegetables (Form FDA–776[1]) (hereinafter called the "agreement") made and entered into as of March 1, 1944, by and between Commodity Credit Corporation (hereinafter called "Commodity"), a corporate agency of United States of America, with offices at Washington, D. C., and _____ _____ (hereinafter called "Canner"), _____, with principal place of business at_____ _____ Commodity reserved the right to amend such agreement in the event the Director of Economic Stabilization authorizes and directs the making of payments with respect to any one or more canned foods produced in whole or in part from any designated vegetables; and

Whereas, Commodity has heretofore amended (9 F.R. 12401) the aforesaid agreement with respect to all canners who produce canned tomato soup, or canned green pea soup, or both, as designated canned foods and make eligible sales thereof (such amended agreement hereinafter also called the "agreement"); and

Whereas, in the directive of October 7, 1944, as amended (9 F.R. 12540, 10 F.R. 900), the Director of Economic Stabilization authorized and directed the War Food Administration to subsidize canned tomato catsup, canned tomato paste, canned tomato puree, canned tomato sauces, tomato juice contained in canned mixed vegetable juices, and canned tomato cocktail, and, in addition, to subsidize the use of canned tomato paste and canned tomato puree in the manner specified in the aforesaid directive of October 7, 1944, as amended; and

Whereas, Canner produces one or more of the aforesaid canned tomato products and makes eligible sales thereof, or uses canned tomato paste or canned tomato puree in the production of other canned food products;

Now, therefore, Commodity hereby amends the agreement as follows:

1. The provisions in (c) of section (1) of the agreement are hereby deleted and the following provisions inserted in lieu thereof:

(c) "Designated canned food" means any one or more of the following canned foods which, during the period March 1, 1944, to April 30, 1945, both dates inclusive, Canner produces from designated vegetables: canned tomatoes, canned tomato juice, canned tomato soup, canned green pea soup, canned green peas, canned sweet corn, canned snap beans, canned tomato catsup, canned tomato paste, canned tomato puree, any canned tomato sauce, tomato juice contained in canned mixed vegetable juices, canned tomato cocktail, and such other canned foods as may hereafter be designated pursuant to section (10) hereof.

2. The provisions in (i) of section (1) of the agreement are hereby deleted and the following provisions inserted in lieu thereof:

(i) "Eligible sale" means any absolute sale by Canner, during the period March 1, 1944, to April 30, 1945, both dates inclusive, of a designated canned food at a fixed price accompanied by the transfer of title to such designated canned food to any purchaser other than a government procurement agency: *Provided*, That the products included in such absolute sale were not (i) packed, sold, or delivered (*a*) in violation of any order or regulation of the Office of Price Administration, (*b*) in violation of any provision of War Food Order 22.6 (9 F.R. 1824) or any amendment thereof, or (*c*) in violation of War Production Board Orders M–81 (7 F.R. 947), as amended, or L–103–b (8 F.R. 9055), as amended, or (ii) previously sold to, and thereafter purchased from, a government procurement agency. With respect to any quantity of canned tomato paste or canned tomato puree which Canner produces as a designated canned food and thereafter uses in his production of any canned food product, the term "eligible sale" shall mean the use by Canner of such quantity of canned tomato paste or canned tomato puree in his production of any other canned food product only after such other canned food product is actually produced.

3. The provisions in (a) of section (3) of the agreement are hereby deleted and the following provisions inserted in lieu thereof:

(a) Before any payment is made by Commodity pursuant hereto, Canner shall furnish Commodity with proof of his certifications with respect to all designated vegetables and all plants in which, during the period March 1, 1944, to April 30, 1945, inclusive, Canner will produce any designated canned foods from such designated vegetables. In addition, before any such payment is made with respect to any eligible sale of canned tomato soup, canned green pea soup, canned tomato catsup, canned tomato paste, canned tomato puree, or any canned tomato sauce, tomato juice contained in canned mixed vegetable juices, or canned tomato juice cocktail, Canner shall correctly complete and file, in accordance with the instructions set forth in Form FDA–776–2, attached hereto and by this reference made a part hereof (hereinafter called Exhibit B), or in accordance with the instructions set forth in Form CCC 123, attached hereto and by this reference made a part hereof (hereinafter called Exhibit C), whichever of the aforesaid Exhibits is applicable, two copies of such applicable Exhibit for each plant in which each such designated canned food was produced. In the event that any of Canner's certifications is canceled by a State Agricultural Conservation Committee, no applications for payment hereunder shall, after such cancelation, be accepted by Commodity; and Canner shall, at such time and in such manner as Commodity may determine to be appropriate, refund to Commodity all payments, or any portion thereof, theretofore made to Canner by Commodity: *Provided*, That in the event such cancelation is withdrawn (i) by the State Agricultural Conservation Committee which made such cancelation, or (ii) as the result of an appeal to the Chief of the Agricultural Adjustment Agency, War Food Administration, the sum refunded by Canner, because of the aforesaid cancelation, shall thereupon become due Canner and Canner's applications for payment pursuant hereto shall thereafter be accepted by Commodity.

4. The provisions in (a) and (b) of section (4) of the agreement are hereby deleted and the following provisions inserted in lieu thereof:

(a) Unless otherwise required, the rate of payment with respect to an eligible sale of any of the following designated canned foods shall be the applicable rate of payment specified in Table I (attached hereto and by this reference made a part hereof) for the area of production of such designated canned food: canned tomatoes, canned tomato juice, canned green peas, canned sweet corn, and canned snap beans. On and after the date on which Maximum Price Regulation No. 306 (8 F.R. 1114), as amended, is superseded by another Maximum Price Regulation of the Office of Price Administration, the rate of payment with respect to an eligible sale, made on or after such date, of such designated canned food shall be equal to the difference between the applicable gross maximum price and the applicable civilian maximum price in effect at the time of such eligible sale.

(b) Unless otherwise required, the rate of payment with respect to an eligible sale of any of the following designated canned foods shall be the applicable rate of payment specified in the aforesaid Exhibit B for the area of production of such designated canned food: canned tomato soup and canned green pea soup. On and after the date on which Maximum Price Regulation No. 181 (7 F.R. 5560), as amended, is superseded by another Maximum Price Regulation, as aforesaid, the rate of payment with respect to an eligible sale, made on or after such date, of such designated canned food shall be equal to the difference between the applicable gross maximum price and the applicable civilian maximum price in effect at the time of such eligible sale.

(c) The rate of payment with respect to an eligible sale of any of the following designated canned foods shall be the applicable rate of payment specified in the aforesaid Exhibit C for the area of production of such designated canned food: canned tomato catsup, canned to-

[1] Not filed with the Division of the Federal Register.

mato paste, canned tomato puree, any canned tomato sauce, tomato juice contained in mixed vegetable juices, and canned tomato cocktail.

5. The provisions in section (6) of the agreement are hereby deleted and the following provisions inserted in lieu thereof:

(6) *Application for payment.* Canner shall file application for payment hereunder only with respect to eligible sales and only on a form similar to that set forth in Exhibit A (attached hereto and by this reference made a part hereof) and shall furnish, with respect to the information contained in each such application for payment, such supporting evidence, documents, information, and proofs as Commodity may require. Each such application for payment shall be filed by Canner not oftener than once each calendar month and shall not include any eligible sales made within 10 calendar days prior to the date of such filing unless and to the extent that more frequent filing, the inclusion of other eligible sales, or filing on a different basis is approved, in writing, by Commodity: *Provided,* That with respect to any eligible sale referable to Canner's use of canned tomato paste or canned tomato puree in the production of other canned food products, such application for payment shall not include the quantity of canned tomato paste or canned tomato puree used within 10 calendar days prior to the date of such filing by Canner in the production of other canned food products. No application for payment hereunder may be filed after May 31, 1945, unless Commodity approves such later filing.

6. The provisions in (e) and (f) of section (9) of the agreement are hereby deleted and the following provisions inserted in lieu thereof:

(e) * * * the total quantity of canned tomatoes, canned tomato juice, canned tomato soup, canned green pea soup, canned green peas, canned sweet corn, canned snap beans, canned tomato catsup, canned tomato paste, canned tomato puree, canned tomato sauces, canned tomato juice contained in mixed vegetable juices, and canned tomato cocktail, respectively, purchased by Canner during the period March 1, 1944, to April 30, 1945, both dates inclusive, together with the name and address of the respective vendor of each such canned food; (f) the total quantity of canned tomatoes, canned tomato juice, canned tomato soup, canned green pea soup, canned green peas, canned sweet corn, canned snap beans, canned tomato catsup, canned tomato paste, canned tomato puree, canned tomato sauces, tomato juice contained in canned mixed vegetable juices, and canned tomato cocktail, respectively, owned by Canner on March 1, 1944; and (g) the total quantity of canned tomato paste and canned tomato puree produced by Canner and used by him in the production of other canned food products, together with the quantities of such other canned food products actually produced.

A copy of the foregoing amendment shall be mailed to each Canner who entered into the agreement with Commodity Credit Corporation and (a) who produces any of the aforesaid canned tomato catsup, canned tomato paste, canned tomato puree, canned tomato sauces, tomato juice contained in canned mixed vegetable juices, and canned tomato cocktail, or (b) who uses any canned tomato paste or canned tomato puree, which Canner produced as a designated canned food, in the production of any other canned food product; and such amendment shall be filed with the Division of the Federal Register.

Issued at Washington, D. C., this 9th day of February 1945.

[SEAL] COMMODITY CREDIT CORPORATION,
By RALPH W. OLMSTEAD,
Vice President.

Attest:

NORINE J. FAUBLE,
Assistant Secretary.

[F. R. Doc. 45-2349; Filed, Feb. 9, 1945; 3:13 p. m.]

WAR PRODUCTION BOARD.

[C-248, as Amended]

WALTER VANLANDINGHAM, INC.

CONSENT ORDER

Consent Order C-248 is hereby amended to read as follows:

Walter Vanlandingham is a lumber broker and wholesaler, doing business at 400 West Madison Street, Chicago, Illinois. He is also the owner and holder of all of the issued and outstanding capital stock of Walter Vanlandingham, Inc., a corporation. Walter Vanlandingham and the corporation are charged with having placed orders for and accepted delivery of 2,234,397 board feet of lumber through the unauthorized application or extension of preference ratings during the period between April 1, and October 15, 1943. In so doing the War Production Board alleges that Walter Vanlandingham and Walter Vanlandingham, Inc., obtained this lumber by means of material and wilful, false or misleading statements which subjected them to administrative action under the provisions of Priorities Regulation No. 1. Walter Vanlandingham and the corporation admit the foregoing violations, but deny that they were wilful and do not care to contest the issue of wilfulness and have consented to the issuance of this order.

Wherefore, upon the agreement of Walter Vanlandingham, Walter Vanlandingham, Inc., the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered,* That:

(a) Neither Walter Vanlandingham nor Walter Vanlandingham, Inc., shall during the period of this order apply or extend any preference ratings to obtain the delivery of any lumber for any purpose.

(b) All preference ratings, allotments and allocations presently outstanding in connection with orders for delivery of lumber for resale purposes or for any other purposes, to Walter Vanlandingham or to Walter Vanlandingham, Inc., are void and shall not be given any effect by suppliers of Walter Vanlandingham and of Walter Vanlandingham, Inc. This does not apply, however, to lumber already delivered or in transit for delivery either to him or to the corporation on the effective date of this order.

(c) Neither Walter Vanlandingham nor Walter Van Landingham, Inc., shall during the period of this order, receive or accept delivery of any lumber for resale purposes, or for any other purposes; provided, however, that this provision shall not apply to the receipt or acceptance of delivery of lumber which at the time of such receipt or delivery is not restricted by any order or regulation of the War Production Board, and it shall also not apply to lumber in transit for delivery to Walter Vanlandingham or to Walter Vanlandingham, Inc., on the effective date of this order.

(d) The restrictions and prohibitions contained herein shall apply to Walter Vanlandingham, individually, and to Walter Vanlandingham, Inc., a corporation, his and its successors and assigns or persons acting in his or its behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(e) Nothing contained in this order shall be deemed to relieve Walter Vanlandingham and Walter Vanlandingham, Inc., his and its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(f) This order shall take effect on the 16th day of January 1945 and shall expire on the 11th day of March 1945.

Issued this 8th day of February 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-2316; Filed, Feb. 8, 1945; 4:50 p. m.]

[C-265]

SHARON HERALD CO.

CONSENT ORDER

Sharon Herald Company, a corporation with its offices on South Dock Street, Sharon, Pennsylvania, is engaged in the business of publishing the Sharon Herald, and was found on investigation by the War Production Board to have exceeded its permitted quotas under Limitation Order L-240 in the second quarter of 1943 and the first and second quar-

ters of 1944, in the use of newsprint paper. Sharon Herald Company admits the excess use as charged by the War Production Board, and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of The Sharon Herald Company, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Sharon Herald Company, its successors or assigns, shall during the first and second quarters of 1945 reduce its use of newsprint paper in the amount of 22.10 tons by decreasing by that amount the quota to which it presently is or may hereafter be entitled under War Production Board Limitation Order L–240, as now in effect or hereafter amended, except as hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Sharon Herald Company, its successors or assigns, from any restriction, prohibition or provisions contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 10th day of February 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–2418; Filed, Feb. 10, 1945; 4:32 p. m.]